

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

INDEX SHEET

CAUSE TITLE C.A. 70 of 1989(4)

Name of the parties

Abilesh Kumar Sharma Applicant.

Versus.

Union of India (NER) Respondents.

Part A.B.C.

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checked

✓ 28/8/2011

→ P70

Certified that no further action is
required to be taken and that the cause file
is fit for consignment to the record
sections (2).

RJ

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

(A)

Registration No. 70 of 1989 (L)

APPLICANT (s) Akhilesh Kumar Sharma & Others

RESPONDENT(s) U. O. I. & Others

Particulars to be examined

Endorsement as to result of Examination

1. Is the appeal competent ?
2. (a) Is the application in the prescribed form ?
(b) Is the application in paper book form ?
(c) Have six complete sets of the application been filed ?
3. (a) Is the appeal in time ?
(b) If not, by how many days it is beyond time ?
(c) Has sufficient cause for not making the application in time, been filed ?
4. Has the document of authorisation, Vakalat-nama been filed ?
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?

Yes

Not exactly on the prescribed form as concerned. Answers have not been separately compiled.

Only Bench Copies have been filed

Yes

Yes

Yes (W.O. No 4 DD 827870 02-3-84
for 14 (0), 0-1)

Yes

Yes

7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?

- (b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?

Yes (By Advocate)

Particulars to be ExaminedEndorsement as to result of Examination

(A2)

(c) Are the documents referred to in (a) above neatly typed in double space ? Yes

8. Has the index of documents been filed and paging done properly ? Yes

9. Have the chronological details of representation made and the outcome of such representations been indicated in the application ? Yes

10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal ? No

11. Are the application/duplicate copy/spare copies signed ? No A.

12. Are extra copies of the application with Annexures filed ? N A

(a) Identical with the original ?

(b) Defective ?

(c) Wanting in Annexures

Nos...../Pages Nos..... ?

13. Have file size envelopes bearing full addresses, of the respondents been filed ? No

14. Are the given addresses, the registered addresses ? Yes

15. Do the names of the parties stated in the copies tally with those indicated in the application ? Yes

16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? N O

17. Are the facts of the case mentioned in item No. 6 of the application ? Yes

(a) Concise ?

(b) Under distinct heads ?

(c) Numbered consecutively ?

(d) Typed in double space on one side of the paper ?

18. Have the particulars for interim order prayed for indicated with reasons ? Yes

19. Whether all the remedies have been exhausted. Yes

Ch. J
20/3/09

AB

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LACHNO.

O.A./T.A. No. 70 9(L)
198

Akhilesh Kumar Sarma

Applicant(s)

Versus
Union of India

Respondent(s)

Sr. No.	Date	Orders
	<u>21-3-89</u>	<p>Hon'ble Justice Kamleshwar Nath, V.C., <u>Hon'ble Ajay Johri, A.M.</u>, <u>H</u> Heard.</p> <p>Admit. Issue notice to opposite parties to file counter affidavit within four weeks. Rejoinder affidavit may be filed within ten days thereafter.</p> <p>Regarding interim relief issue notices to opposite parties and list for orders on 4.4.1989. Till that date the applicant shall not be evicted from Quarter No.- E/295-B Type II at Gonda. The notices of this case shall be served on the opposite parties by the applicant out of Court for which the notices may be delivered to the learned counsel for the applicant Dasti. A copy of this order be given to the learned counsel for the applicant.</p>
		<p>Sd/- A.M.</p> <p>Sd/- V.C.</p>
	<u>23/3/89</u>	<u>GR</u>
	<u>3/4/89</u>	<p><u>GR</u></p> <p>Dasti Notices to the applicant.</p> <p>Dasti Summons were issued ^{to} through the Counsel for applicant under the Court's order dt. 21.3.89. fixing 4.4.89 for order. Counsel for applicant has not submitted the acknowledgement along with an affidavit as regard under C.A.T. Procedure Rule 1986. Respondents have not filed any reply against the notice so far.</p> <p>Submitted for order.</p>

Jas
3/4/89

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O.A. No. 70/89(L)

Hon' Mr. Justice K. Nath, V.C.

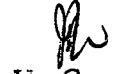
Hon' Mr. K.J. Raman, A.M.

6/7/89

The learned counsel for the Opp.Ps. ~~find~~ out that in para 29 of the rejoinder affidavit, allotments of accommodation to two persons have been set out which are new and therefore, Opp.Ps. wants an opportunity to meet the same. The applicant's learned counsel has no objection to this. Opp.Ps may file supplementary counter within 3 weeks to which the applicant may file supplementary rejoinder, if any, within one week thereafter and list this case for final hearing on 10-8-89. Interim order will continue till that date.



A.M.



V.C.

(sns)

of
In compliance of Court
order dt 6/7/89 no sup
plementary counter affidavit
has been filed
submitted for order

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9/11

Hon' Mr. D.K. Agrawal, J.M.

10/8/89

Shri R.C. Saxena, learned counsel for the applicant and Shri Anil Srivastava, learned counsel for the respondents are present. Supplementary counter affidavit has been filed today, after expiry of the time granted to respondents. Learned counsel for the applicant, therefore, desires 10 days time to file supplementary rejoinder affidavit. Allowed. Supplementary rejoinder affidavit be filed within 10 days hereof. List this case on 12/9/89 for hearing before Single Member Bench.


J.M.

(sns)

As directed by the
Court's order dt 10-8-89
no supplementary rejoinder
has been filed by the
applicant

Submitted for hearing

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11/5

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

LUCKNOW CIRCUIT BENCH.

Registration O.A. No. 70 of 1989 (L)

Akhilesh Kumar Sharma Applicant
and Another

Versus

Union of India & Others Opposite Parties.

Hon. Justice Kamleshwar Nath, V.C.

This application under Section 19 of the Administrative Tribunals Act XIII of 1985 is for issue of a direction to the opposite parties to allot the specified Railway Quarter to applicant No.1 and to release the Death-cum-Retirement Gratuity of applicant No.2 with interest.

2. Applicant No.1 A.K. Sharma is the son of applicant No.2 R.N. Sharma. The disputed Railway Quarter No.E 295-B/Type II of New Engineering Colony Gonda was held by applicant No.2 under allotment while he was working as Head Cashier in the scale of Rs.1400 - 2300. The house belonged to the Pool of the Pay and Cash Department where he was working. Applicant No.1, his son was appointed as Diesel Fitter Grade III and lived since 2.8.86 in the same quarter with applicant No.2; he had a scale of pay of Rs.900 - 1500 and worked in the Diesel Shed of the Mechanical Department.

3. On 12.9.86 the applicant No.1 applied by Annexure-A3 to Senior D.M.E. (Diesel) for permission to share the accommodation with his father, applicant No.2 and offered that he may not be given the House Rent Allowance. On 4.2.87 the Senior D.M.E. (D) passed

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an order Annexure-A4 permitting applicant No.1 to share the quarter with effect from 2.8.86 and directed that the House Rent Allowance drawn by him since 2.8.86 be recovered from his salary from the month of January, 1987 and further half of the rent of the quarter be also deducted from his salary.

4. It will be noticed that while the house belonged to the Pool of Pay and Cash Department in which the applicant No.2 was serving, applicant No.1 did not belong to that Department but belonged to the Mechanical Department under the Senior D.M.E. (D).

5. An application Annexure-A5 was made by applicant No.2 to the Chief Cashier for allotment of quarter to Appl.No: According to the applicants this application is dated 29.1.87, the date on which it was received by the dealing clerk in the office of the Chief Cashier; according to the opposite parties, the application was without date. On 28.2.87 the applicant No.2 retired from service while both the applicants continued to occupy the accommodation beyond that date. Applicant No.2 again applied by Annexure-A16 dated 23.3.87 to the Chief Cashier for allotment of the quarter to applicant No.1. The applicant No.1 himself applied by Annexure-A9 dated 22.7.87 for the first time to the Senior D.M.E. (D) for allotment of the quarter with effect from 1.3.87, informing that he had not been drawing the House Rent Allowance since August, 1986 and that half of the monthly rent was also being deducted from his salary.

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Ab

6. It will be noticed that while applicant No.2 had been approaching the Chief Cashier for allotment of the quarter in favour of applicant No.1 since before and also after his retirement, the applicant No.1 never applied to the Chief Cashier for allotment and that the earliest application which he made for allotment is dated 22.7.87 addressed to the Senior D.M.E. (D). Orders of allotment were never passed in respect of the quarter in favour of applicant No.1. On the contrary, the applicant No.2 was treated to be in unauthorised occupation of the quarter after retirement and on that basis the payment of his Death-cum-Retirement Gratuity was held up.

7. On 20.7.87 applicant No.2 applied by Annexure-A7, followed by reminder dated 2.11.1987, Annexure-A8, to the Chief Cashier in continuation of his application Annexure-A6 for issue of allotment order in favour of applicant No.1 so that his D.C.R.G. may be released. The Deputy C.A.O. (T) then issued an order communicated by the impugned letter dated 28.7.88, Annexure-A1 stating that the allotment was illegal and that he should vacate the quarter and that his D.C.R.G. would not be released till he vacated so that the quarter could be allotted to the needy cashier. Applicant No.2 then represented to General Manager by letter dated 17.8.88, Annexure-A11, followed by reminder dated 24.12.88, Annexure-A12, stating that applicant No.1 was eligible for the same type of quarter as was occupied by him and was entitled to its allotment under Railway Board's letter No.E(G)66 Qr 1-11 dated 25.6.66 repeated in Railway

Board's letter No.E(G)78 Qr 1-23 dated 19.12.81, Annexure-A13, but the Deputy C.A.O. (T) had passed the order contained in Annexure-A1. He prayed that regular allotment of the quarter ~~will~~ ^{may} be made in favour of applicant No.1 and that his D.C.R.G. may be released. The General Manager rejected the representation. It was communicated to applicant No.2 by the second impugned letter dated 24.1.89, Annexure-A2 holding that Senior D.M.E. (D) order dated 4.2.87 (Annexure-A4) was illegal, that applicant No.2 was not entitled to retain the quarter which he must vacate and that his D.C.R.G. had been withheld in that connection.

8. On these facts, the two applicants filed this application for the relief sought. The applicants' case is that applicant No.1 was entitled to an allotment of the quarter in view of Railway Board's letter dated 25.6.1966 repeated in R.B. letter No.E(G)78 Qr 1-23 dated 19.12.81, Annexure-A13 and that only for technicalities of procedure allotment was being refused and consequently the D.C.R.G. of applicant No.2 was wrongly withheld.

9. The opposite parties' case is that the Railway quarters have been pooled up and placed under the control of the respective Heads of the Department and the house of one pool can neither be allotted by the Head of the Department of another Department nor to the staff of another Department; and since the disputed quarter was in the pool of Pay and Cash Department, it could neither be allotted by Sr. D.M.E.(D) nor to applicant No.1. For that reason, it is urged, the Senior D.M.E.(D) order dated 4.2.87, Annexure-A4 permitting the sharing of the quarter was invalid and therefore the

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Deputy C.A.O. as well as the General Manager had held accordingly and directed the applicant No.2 to vacate the quarter and till then the payment of his D.C.R.G. to be withheld in view of Railway Board's letter dated 24.4.82, Annexure-R3 reaffirmed in Railway Board's letter dated 20.3.88, Annexure-R4. It was further said that applicant No.1 was not entitled to reside in the quarter of applicant No.2 in view of the Railway Board's letter No.E(G)71 Qr.1-4 dated 27.2.71, Annexure-R1 followed by letter dated 11.2.82, Annexure-R2. The opposite parties have also filed Railway Board's letter No.E(G)85 Qr-1-14 dated 18.8.86 on the subject of allotment of quarters to sons etc of a retired railway employee.

10. The applicants' rejoinder is that since the allotment ~~order~~ application of the applicant No.1 was pending, applicant No.2 was also entitled to continue to live in the quarter in post-retirement period with his son. It was further urged that since applicant No.1 was employed as Diesel Fitter Grade III, the Sr.D.M.E.(D) was competent to permit the sharing of the accommodation by order dated 4.2.87, Annexure-A4 under the Railway Board's letter dated 19.12.81, Annexure-A13. Reliance was placed upon Sr. D.M.E.(D) letter dated 26.6.87 to opposite party No.3 explaining that he had passed the quarter-sharing order under Railway Board's letter dated 14.2.78. The applicant also placed before this Tribunal the correspondence which passed between the Sr.D.M.E.(D) and the Chief Cashier, opposite party No.3

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to indicate that the only obligation of the former was to pass on some other quarter to the latter's Pool in lieu of the disputed quarter.

11. Arguments of Shri R.C. Saxena for the applicant and Shri Anil Srivastava for the opposite parties have been heard at length on the basis of counter, rejoinder, supplementary counter and supplementary rejoinder and various letters and circulars of the Railway Board placed on the record.

12. A preliminary objection of the learned counsel for the opposite parties is that the two applicants cannot make this application jointly because their claims related to distinct subjects, i.e. allotment of quarter in favour of applicant No.1 and release of D.C.R.G. in favour of applicant No.2. The contention is not fit to be accepted because both the reliefs are linked to a common factor, namely continued occupation of the quarter by both after retirement of applicant No.2 while the allotment application of applicant No.1 was still pending.

13. Certain features of the case are undisputed. The quarter belonged to the Pool of Pay & Cash Department and could be allotted by opposite party No.3 while the applications for allotment were made by the applicants to Senior D.M.E.(D) and not to opposite party No.3. The applicant No.1 was eligible for the same class of accommodation as applicant No.2 and therefore the rule of entitlement was not a hurdle in an allotment in favour of applicant No.1.

14. In his letter dated 26.6.87 (Annexure-R2 to rejoinder) the Sr.D.M.E.(D) drew his authority to permit

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the applicant No.1 to share the quarter with applicant No.2 from Railway Board's letter No.E.575/2/Bhag 5(4) dated 14.2.78. No Railway Boards letter dated 14.2.78 has been filed before this Tribunal. It may be mentioned that applicant No.2 in his representations Annexure-A11 dated 17.8.88 and Annexure-A12 dated 24.12.88 had mentioned that permission to share the accommodation had been given by Sr.D.M.E.(D) under Railway Board's letter No.E(G)78 Qr.1-53 dated 4.11.78. Prima facie these two letters are different; even the letter dated 4.11.78 had not been filed. It is the persistent stand of the opposite parties that Sr.D.M.E.(D) was not competent to permit sharing of the accommodation, which also stands to reason because the quarter belonged to Pay & Cash Department Pool and not the Mechanical Department Pool. The basis of the order permitting sharing of the quarter by applicant No.1 with applicant No.2 thus fails. In any case, the sharing of accommodation automatically came to an end when applicant No.2 retired; there is no question of sharing with ^a ~~the~~ retired employee.

15. The stand of the opposite parties that the quarter sharing order had been passed by suppressing the fact that the applicant No.1 was drawing House Rent Allowance, is rather misconceived because in his application dated 12.9.86, Annexure-A3, the applicant No.1 had specifically mentioned that he may not be given House Rent Allowance. If inspite of this request, House Rent Allowance was paid to him (which is not quite clear) the applicant No.1 cannot be said to have made a suppression of that fact specially in view of the direction of Sr.D.M.E.(D) in Annexure-A4 dated 4.2.87 that the House Rent Allowance drawn from 2.8.86 be recovered from his salary.

The provision in the Railway Board's letter dated 11.2.82, Annexure-R2 that there is no question of recovery of House Rent Allowance which had been received by suppressing the fact of sharing and that the employee should be treated to be eligible for allotment cannot apply to a case, like this, where a request had been made by the employee at the earliest that he may ^{not} be given House Rent Allowance.

16. The main question relates to the rights of the son of a Railway employee living in the quarter of the latter, being himself a railway employee. Both parties rely upon Railway Board's circular dated 19.2.81, Annexure-A13 which has reiterated R.B. earlier circular dated 25.6.66. These papers lay down that on retirement of a Railway employee, allotment out of turn may be made to his son etc. subject to the condition that (i) the son had been living at least for six months before retirement, and (ii) if the son is entitled to the same or higher type, then the same quarter may be regularised in his favour; the only condition, set out in the circular of 19.2.81 is that the retired employee or any member of his family should have no house of his own at the place of his posting. Applicants 1 & 2 clearly satisfy the requirements of these circulars.

17. How this policy of the Railway Board is affected by the Scheme of Pooling of quarters, is dealt with in the Railway Board's circular No.E(G)/85 QR 1-14 dated 18.8.86. The Board considered the cases where a quarter belonging to the Pool of one Department is allotted to an employee of that Department but on the retirement of such railway employee it is allotted on out of turn basis to

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his son employed in another department. It was "decided that if in any case, a quarter belonging to any particular pool, is allotted to the employee who may be working in a different department from the department in which the retired/deceased employee was working, the deficiency in the Pool of quarters belonging to the department wherein the retired/deceased employee was working, should be made good at the next opportunity in order that the balance is restored at the earliest." It is clear from these circulars that the power of allotment of a quarter in a Pool reserved for one Department to an employee of another Department on out of turn basis is well recognised; and such allotment may be made in respect of a house held by a retired employee of one Department in favour of his son employed in another Department. The problem of making good the shortfall in the pool of the former department by making over some other quarter from the pool of the latter department is essentially an inter-departmental problem. While there may be a power to refuse allotment in such cases, it can only be done for proper reasons. In this situation allotment of the quarter to Applicant No.1 could not be refused merely because it belonged to the Pay & Cash Department's Pool, and that the resultant allotment would cause a shortfall in that pool. It could also not be refused because it was required for the "needy cashier" as stated in Annexure-A1 dated 28.7.88 having regard to the Policy adopted by the Railway Board as indicated in the above mentioned circular; otherwise, it would render the provision of transferring quarters from one pool to another nugatory.

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18. But at the same time, the applicant No.1 should have applied for permission to share the quarter with applicant No.2 to the Head of the Pay & Cash Department; it was not enough to apply to the Sr. D.M.E. (D). The fact remains that applicant No.1 never made any such application. The making of such application by applicant No.2 was wholly irrelevant. The contention of the learned counsel for the applicant that the Sr.D.M.E. (D) should have forwarded the application of Applicant No.1 to opposite party No.3 is wholly misconceived because there is nothing to show that the Sr.D.M.E. (D) was under any legal obligation to forward it to opposite party No.3 while it was the duty of applicant No.1 ^{if necessary} to have applied to opposite party No.3 ^{through} Sr.D.M.E. (D) according to office routine. Further, while the grant of permission by Sr.D.M.E. (D) to share the quarter lacked competence and for that reason was illegal, the opposite parties would be estopped from challenging the permission because the applicant No.1 had been deprived of H.R.A. and was paying half the rent during the sharing - period.

19. But as soon as the sharing-period ~~came~~ to an end on 28.2.87, when applicant No.2 retired, the permission automatically expired with his retirement. Since then both the applicants became unauthorised occupants except for such period, if any, for which applicant No.2 may have been entitled to retain the quarter under the rules after retirement.

20. For such unauthorised occupation, both the applicants were liable to be evicted and for other consequences according to Rules, including that

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applicant No.2 was liable to have a reasonable portion of his D.C.R.G. to be held up in accordance with Railway Board's letter dated 24.4.82, Annexure-R3 reaffirmed in Railway Board's letter dated 20.3.88, Annexure-R5. It must be noticed that these letters authorise withholding of only "an appropriate amount" of the D.C.R.G., and not the whole of the D.C.R.G., for rent recoveries as permissible under the rules.

21. The matter is now almost 3 years old. In the meantime misunderstandings must have arisen between the Pay & Cash Department and Mechanical Department, and occasions might have arisen when some other persons of the Mechanical Department could have retired or transferred out of station and the quarter occupied by such person could be transferred to Pay & Cash Department to make good the shortfall and to provide accommodation to the "needy cashier". The blame for this situation could be laid on the applicant No.1 who chose not to apply to the competent authority, viz opposite party No.3 for allotment, and for the erroneous assumption by both the applicants that they could continue to occupy the quarter beyond the retirement of applicant No.2 because his irrelevant application to opposite party No.3 for allotment in favour of his son, applicant No.1, was pending. It is for the applicant No.1 to apply to opposite party No.3 for allotment and for opposite party No.3 to pass appropriate orders thereon.

22. The problem of residence is a human problem as contradistinguished from pecuniary liabilities in terms of rent etc. due for the period of unauthorised

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occupation; and since it is permissible to allot the quarter to applicant No.1, it would be too harsh to sustain the order of eviction. It would also be too harsh to deprive the applicant No.2 of the entire gratuity; it has to be limited to an "appropriate amount" under Railway Board's letter dated 24.4.82, Annexure-R3.

23. In view of the above findings, the application is partly allowed. The applicant No.1 may apply to opposite party No.3 within 2 weeks from today for allotment of the disputed quarter in his favour; opposite party No.3 or other appropriate authority of the Pay & Cash Department shall consider and decide such application within a period of six weeks from the date of its presentation bearing in mind the observations contained in the body of this judgement. The opposite parties are directed to release the D.C.R.G. of applicant No.2 within six weeks after withholding a sum of Rs.5000/- to meet such pecuniary liability under the rules as applicant No.2 may be found to have incurred for unauthorised retention of the quarter after his retirement. The applicant No.1 shall not be evicted from the quarter till the disposal of his allotment application.

24. Parties shall bear their costs of this case.

25. A copy of this judgement be delivered to the applicants, ^{if possible,} within twentyfour hours to enable the applicant No.1 to apply for allotment.

Sh
Vice Chairman

Dated the 5 th January, 1990.

RKM

Central Administrative Tribunal
Circuit Bench, Lucknow
Date of Filing 20/3/89
Date of Receipt by Post.....

A16

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
(LUCKNOW BENCH), LUCKNOW.

Deputy Registrar (J)

20/3
20/3

Title of the case = C.A. No.

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of 89(L)

Akhilesh Kumar Sharma & others ... Applicants.

Versus.

Union of India & others ...

Respondents.

I N D E X

Sl. No. Description of documents relied upon Page No.

This application is filed on 20.3.89 and may be listed for admission on 21.3.89 as requested by counsel for applicant.

1. Application U/S 19 of the Administrative Tribunals Act 1985. 1 - 12

2. Enclosure No. A-1
Impugned order No. CP/76/20/1/1498 dated 2.8.1988. 13 - -

3. Enclosure No. A-2
Impugned order No. CP/76/20/1/175 dated 24.1.1989. 14 - -

4. Vakalatnama.

Dated: Lucknow,
March 19, 1989.

Signature of the Applicant.

R. N. Sharma

For use in the Tribunal office.

Date of Filing

or

Date of Receipt by post

Registration No.

Signature

For Registrar.

(A/P)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
(LUCKNOW BENCH), LUCKNOW.

Title of the case = O.A. No. 70 of 89(L)

1. Akhilesh Kumar Sharma, aged about 28 years, S/O Sri R.N. Sharma, R/O E-295/B, New Engineering Railway Coloney, Gonda.
2. Ram Niwas Sharma, aged about 60 years, S/O Pt. Jugul Kishore Sharma, R/O E-295/B, New Engineering Railway Coloney, Gonda.

... Applicants.

Versus.

1. Union of India, through the General Manager, N.E. Railway, Gorakhpur.
2. The General Manager, N.E. Railway, Gorakhpur.
3. Chief Cashier, N.E. Railway, Gorakhpur.
4. Senior Divisional Accounts Officer, N.E. Railway, Ashok Marg, Lucknow.

... Respondents.

DETAILS OF APPLICATION :

1. Particulars of the orders against application is made :

The application is made against the following orders :-

Order No. CP/76/20/1/1498 dated 28.8.1988 passed by Deputy Chief Accounts Officer (T), N.E. Railway, Gorakhpur and order No. CP/76/20/1/175 dated 24.1.1989 passed by General Manager, N.E. Railway, Gorakhpur.

2. Jurisdiction of the Tribunal :

The applicants declare that the subject matter of the orders against which he wants redressal

आरक्षण शर्मा
R.N. Sharma

is with in the jurisdiction of the Tribunal.

3. Limitation :

The applicants declare that the application is with in the Limitation prescribed in section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the case :

The facts of the case are given below :-

(I) That the present application is directed against the order dated 2.8.1988 passed by Deputy Chief Accounts Officer (T) N.E. Railway, Gorakhpur rejecting the application dated 2.11.1987 preferred by applicant No. 2 for allotment of Railway Quarter No. E/295-B Type II, New Engineering Coloney, Gonda to his son, the applicant No. 1 directing the applicant No. 2 to vacate the said quarter and order dated 21.1.1989 passed by General Manager, N.E. Railway, Gorakhpur, Respondent No. 2, on the representation of applicant No. 2 against the aforesaid order, true copies of which are filed herewith as Enclosure No. A-1 and A-2 respectively to this application.

(II) That the applicant No. 2 was holding the post of Head Cashier in the pay scale of Rs 1400-2300 under opposite party No. 3 and was posted at Gonda from where he retired from service on 28.2.1987.

आरवन शर्मा

R.N. Sharma

(III) That the applicant No. 2 was allotted Railway Quarter No. E/295-B, Type II at New Engineering Coloney Gonda where he alongwith his family including the applicant No. 1, who is his son, had been residing.

(IV) That the applicant No. 1 on 2.8.1986 was appointed on the post of Diesal Fitter, Grade III, in the pay scale of Rs. 900-1500 under Senior Divisional Mechanical Engineer (D), Gonda, on which post he is still working.

(V) That the applicant No. 1 on 12.9.1986 moved an application to Sr. Divisional Mechanical Engineer (D), N.E. Railway, Gonda for allowing him to Share the accomodation of the aforesaid Railway Quarter No. E/295-B with his father i.e. the applicant No. 2. A true copy of the said application dated 12.9.1986 is filed herewith as Enclosure No. A-3 to this application.

(VI) That the Sr. Divisional Mechanical Engineer (D), N.E. Railway, Gonda, vide order dated 4.2.1987 allowed the applicant No. 1 to Share the accomodation of the aforesaid quarter to the extent of half with his father, the applicant. A true copy of the aforesaid order dated 4.2.1987 is filed herewith as Enclosure No. A-4 to this application.

(VII) That the applicant No. 2 one month before his retirement vide application dated 29.1.1987 addressed to the Chief Ghashier requested for allotment of the aforesaid quarter to applicant No. 1, his son. A true copy of the said application is filed herewith as Enclosure No. A-5 to this application.

अपराधी रामरामी

R.N. Sharma

(VIII) That the applicant No. 2 again on 23.3.1987 moved a similar application addressed to respondent No. 3 requesting him to allot the said quarter III. to applicant No. 1 and on 20.7.1987 and 2.11.1987 sent

(A28)

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reminders to opposite party No. 3 in that regard requesting further for payment of his D.C.R.G. A true copy of the aforesaid application dated 23.3.1987 and reminders dated 20.7.1987 and 2.11.1987 are filed herewith as Enclosure No. A-6, A-7 and A-8 to this application.

(IX) That similarly the applicant No. 1 on 22.7.1987 moved an application addressed to Sr. Divisional Mechanical Engineer (D), N.E. Railway, Gonda requesting him to allot the aforesaid quarter to him and on 10.8.1988 sent a reminder to that effect. True copies of the aforesaid application dated 22.7.1987 and reminder dated 10.8.1988 are filed herewith as Enclosure No. A-9 and A-10 respectively to this application.

(X) That the Deputy Chief Account Officer(T), N.E. Railway, Gorakhpur vide order dated 2.8.1988 communicated by opposite party No. 3 rejected the applicants request for allotment of quarter to applicant No. 1 and directed the applicant No. 2 to vacate the quarter and submit the vacation report to S.D.C., Gonda so that his D.C.R.G. may be paid early. A true copy of order dated 2.8.1988 already forms part as Enclosure No. A.1 to this application.

आरविल शक्ति शर्मा

R.N. Sharma

(XI) That the applicant No. 2 feeling aggrieved preferred a representation dated 17.8.1988 addressed to respondent No. 2 requesting him to allot the aforesaid quarter to his son, applicant No. 1 w.e.f. 1.3.1987 and arrange for payment of his D.C.R.G. with interest and also subsequently on 24.12.1988

sent a reminder to that effect. The true copy of representation dated 17.8.1988 are filed herewith as Enclosure No. A-11 and A-12 respectively to this application.

(XII) That the respondent No. 2 without applying his mind to the facts and circumstances of the case, vide order dated 24.1.1989 communicated by respondent No. 3, rejected the representation preferred by the applicant No. 2 holding him in eligible to retain the said quarter and withheld his D.C.R.G. A true copy of the aforesaid order dated 24.1.1989 forms part of his application as Enclosure No. A-2 to this application.

(XIII) That the applicant No. 1 is fully legible and entitled for the allotment of the quarter No. E/295-B, Type II, New Engineering Colony, Gonda in terms of Railway Board's circular letter No. E(G) 66 C.R.I.-II dated 25.6.1966 clarified vide Railway Board's letter No. E(G) 78 C.R.I.-23 dated 19.12.1981. A true copy of which is filed herewith as Enclosure No. A-13 to this application.

आरवलेश कुमार शर्मा

R. N. Sharma

(XIV) That the applicant No. 1 holds the post of Diesal Fitter Grade III in the scale of Rs 900-1500 and is a Class III, Railway servant. He had been sharing the accommodation with his father, the applicant No. 2 under order dated 4.2.1987 contained in Enclosure No. A-4. The applicant No. 1 does not own or possess any other

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house at Gonda where he is posted.

(XV) That the applicant No. 1 ful-fils all requisite conditions as laid-down in Railway Board's circular letter dated 25.6.1966 clarified vide letter dated 19.12.1981 contained in Enclosure No. A-13 to this application specifically stated in representation/reminder dated 24.12.1988 contained in Enclosure No. 12.

(XVI) That the general principle of allotting the Railway Quarters on turn basis is not applicable in cases of allotment of quarters in favour of the employees already sharing the accommodation with other Railway Employee.

(XVII) That the applicants have not manipulated the things to get an order dated 4.2.1987 passed by Sr. D.M.E. (D), N.E. Railway, Gonda contained in Enclosure No. A-4 permitting the applicant No. 1 to Share the accommodation with applicant No. 2 to the extent of half.

(XVIII) That the D.C.R.G. of the applicant No. 2 became due and payable to him just after his retirement w.e.f. 28.2.1987. The applicant No. 2 is legally entitled to get his D.C.R.G. alongwith interest @ Rs 12% per annum till the same is paid to him and the respondents are under legal obligation to pay the same to him.

आरवल श कुमार शर्मा

R. N. Sharma

(XIX) That the order dated 24.1.1989 passed by respondent No. 2 and contained in Enclosure No. A-2 withholding the D.C.R.G. of the applicant

No. 2 for retaining the Railway quarter after retirement, is not only factually wrong but is also legally could not have been withheld for the reason stated in the said order.

(XX) That there exists no rule or order having the force of law empowering the respondents to withhold the D.C.R.G. for retaining the allotted Railway quarter even after retirement without affording adequate opportunity to the concerned Railway employee to put his case.

(XXI) That the respondents have a remedy under the Public Premises (Eviction of unauthorised occupants) Act 1971 and the Rules made there under to take steps for eviction of the applicant No. 2 from the Railway quarter in question in case he is an unauthorised occupant and have no authority even a least to withheld the D.C.R.G.

5. Grounds for relief with legal provisions :

(I) Because the applicant No. 1 as per Railway Board's circular letter contained in Enclosure No. A-13 is fully eligible and entitled for the allotment of Railsay quarter in question and there exists no reasons much less legitimate reason to refuse such allotment.

(II) Because the principle of "turn basis allotment" is inapplicable in the present case.

(III) Because the impugned orders contained in enclosure No. A-1 and A-2 are arbitrary, result

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R. N. Sharma

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of non-application of mind by the authorities concerned and are hit by Article 14 of the constitution of India.

(IV) Because the Railway Board's circular contained in Enclosure No. A-13 has a statutory ^{force} of law and is binding on the respondents.

(V) Because the applicant No. 2 is entitled for his D.C.R.G. on his retirement and the respondents are under legal obligation to pay the same with interest.

(VI) Because there exists no legitimate reason for withholding the D.C.R.G. of applicant No. 2.

(VII) Because the omission on the part of allottee to vacate the Railway quarter on his retirement cannot legally be a valid ground for withholding his D.C.R.G.

(VIII) Because the respondent's remedy for eviction of the retired employees from the Railway quarter allotted to them is provided under Public Premises (eviction of unauthorised occupants) Act 1971 in case they are held to be unauthorised occupants.

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R.N. Sharma

(IX) Because the impugned orders withholding the D.C.R.G. and for vacation of Railway quarter are arbitrary devoid of reasons and result of non-application of mind to the facts and circumstances of the case as well as the Railway Board's circular letter contained in Enclosure No. A-13.

(X) Because the applicant No. 2 has not been offered any opportunity prior to passing of the order withholding his D.C.R.G. which is against the principles of natural justice.

6. Details of the remedies exhausted :

Inspite of representations and applications on various dates given in para 6 above the relief asked for has been rejected by respondent No. 2 wide order dated 24.1.1989 contained in Enclosure No.A2.

7. Matters not previously filed or pending with any other Court :

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in ~~any~~ respect of which this application has been made, before any court of law or any other authority or any other bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them.

8. Relief (S) sought :

In view of the facts mentioned in para 6 above the applicant prays for the following reliefs :-

(a) Direct the respondents to allot the Railway quarter No. E/295-B, Type II, New Engineering Coloney, Gonda, to applicant No. 1 w.e.f. 1.3.1987 in view of Railway Board's circular dated

आरविलश कुमार शर्मा

R. N. Sharma

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19.12.1981 contained in Enclosure No. A-12

(b) Direct the respondents to atone release the D.C.R.G. of applicant No. 2 and pay the entire amount under it with interest @ Rs. 12% per annum for the period from 1.3.1987 onwards till the said amount is paid to applicant No. 2.

9. Interim order, if any prayed for :

During the pendency of the present application, the respondents may be restrained from taking proceedings for eviction of the applicants from Railway quarter No. E/295-B, Type II, situate at New Engineering Coloney, Gonda and direct them to release the amount of D.C.R.G. to applicant No. 2 with interest @ Rs. 12% per annum.

10. Petition is personally presented through Counsel :

NIL

11. Particulars of Bank Draft/Postal Order filed in respect of the application fee :

Postal order No.

DD 827070

Dated

4 20.3.89

Issued by the High Court Bench Post Office Lucknow.

In favour of Registrar C.A.T. Allahabad.

R.N. Sharma

12. List of Enclosures :

(1) Enclosure No. A-1 Impugned order dated 2.8.88 rejecting the request for allotment of quarter.

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.. 11 ..

(2) Enclosure No. A-2 Impugned order dated 24.1.89 deciding representation dated 24.12.1988.

(3) Enclosure No. A-3 Application dated 12.9.1986 by applicant No. 1 for sharing accommodation with applicant No. 2.

(4) Enclosure No. A-4 Order dated 4.2.1987 passed by senior D.M.E. (D) Gonda allowing applicant No. 1 to share accommodation with applicant No. 2.

(5) Enclosure No. A-5 Application dated 29.1.1987 by applicant No. 2 to allot Railway quarter No. E/295-B Type II in favour of applicant No. 1.

(6) Enclosure No. A-6 Application dated 23.3.1987 by applicant No. 2.

(7) Enclosure No. A-7 Application dated 20.7.187 by applicant No. 2 for releasing his D.C.R.G.

(8) Enclosure No. A-8 Reminder dated 2.11.87 by applicant No. 2.

(9) Enclosure No. A-9 Application dated 22.7.87 by applicant No. 1 for allotment of quarter No. E-295/B in his favour.

(10) Enclosure No. A-10 Application dated 7.8.88 by applicant No. 1.

(11) Enclosure No. A-11 Representation dated 17.8.88 by applicant No. 2 for allotting the quarter in favour of applicant No. 1.

(12) Enclosure No. A-12 Representation/reminder dated 24.12.88 by applicant No. 2 for allotment of Railway quarter in favour of applicant No. 1 and for releasing DCRG.

(13) Enclosure No. A-13 Railway Board's circular letter dated 25.6.68 clarified of vide letter dated 19.12.81 issued by the Railway Board.

VERIFICATION

W^el^e, I A. K. Sharma, S/O Sri R.N. Sharma, aged about 28 years, working as Diesel Fitter Grade III, and R.N. Sharma, S/o Pt. J.K. Sharma under Sr. D.M.E. Gonda, R/O E/295-B, Type II, New Engineering Coloney, Gonda, do hereby verify that the contents

अरवली कुमार शर्मा

R. N. Sharma

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.. 12 ..

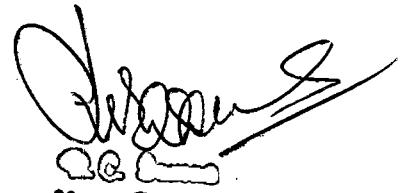
of paras 1 to 3, 6 to 8, 11, 12 and 13 are true
to ^{our} personal knowledge and paras 4, 5, 9, 10 are
believed to be true on legal advice and that we
have not suppressed any material fact.

अर्जुन शर्मा द्वारा दिया

R. N. Sharma

Dated: Lucknow,
March 19, 1989.

Signature of the Applicant.


R. N. Sharma
Signature of the Applicant

13 (P)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
(LUCKNOW BENCH), LUCKNOW.

O.A. No. of 1989 (L)

Akhilesh Kumar Sharma & others ... Applicants.
Versus,
Union of India & others ... Respondents.

Enclosure No. A-1

N.E. Railway
Office of the F.A. & C.A.O.
CP/76/20/1/I498 GORAKHPUR
DATED 28.7.88.

Shri R.N. Sharma,
Ex. Hd. CHR/GD,
Rly. Qr. No. E/295-B,
at Gonda.

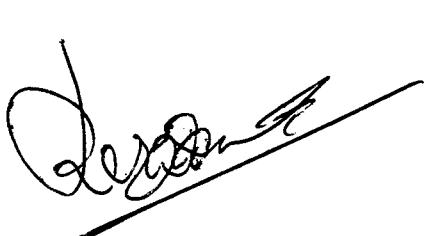
Sub: Vacant of Rly Qr. No. E/295-B (Type II)
at Gonda.
Ref: Your application dt. 2.11.87.

The allotment of Rly Qr No. E/295-B (Type-II)
at Gonda, in favour of your son Shri Akhilesh Kumar
Sharma, Fitter-~~XXXXXXXXXXXXXX~~ - Gr. III
under Sr. DME/Diesel/NER/Gonda, has not been considered
by Dy.CAO(T) vide remarks given below:

" Any such allotment is illegal and hence
employee may be asked to vacate, if he
desires his DCRG may be paid early. The
quarter may be allotted to the needy
cashier."

Therefore, you are hereby advised to vacate
the above quarter and submit your vacation report duly
remarked by BSCD/Gonda to the undersigned early so
that you may be settled up accordingly.

Please acknowledge receipt.

TRUE COPY
ATTESTED

R.C. Sharma
BSCD, Rajkumar, Lucknow

आरक्षुमार शर्मा

R.N. Sharma

Sd/- Ill.
Chief Cashier.

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A30

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, (LUCKNOW
-BENCH), LUCKNOW.

O.A. No. of 1989 (L)

Akhilesh Kumar Sharma & others ... Applicants.

Versus.

Union of India & others ... Respondents.

Enclosure No. A-2

N.E.RAILWAY

Office of the,
P.A. & C.A.O.,
Gorakhpur.

Dt. 24.1.1989.

No. CP/76/20/1/175
To, Shri R.N. Sharma: Rtd. Head Cashier,
Rly. Gr. No. E/295-B,
New Engineering Railway Colony.
Gonda.

Sub: Prayer for D.C.R.G. Payment.
Ref: Your representation dated 21.12.88
addressed to General Manager, N.E.
Rly., Gorakhpur.

The allotment of Rly. Gr. No. E/295-B (Type
ii) at Gonda in favour of your son Shri Akhilesh
Kumar Sharma, Diesel Fitter, Gr. III, issued by
Sr. D.N.E. (Diesel)/N.E.Rly., Gonda, vide his C.O. No.
प्र/टीजल/मार्ग/स्टोर/86-87 dated 4.2.1987, has
not been considered by General Manager, N.E.Rly.,
Gorakhpur, vide remarks given below:-

"The applicant manipulated for allotment
illegally and not eligible to retain the
quarter hence D.C.R.G. withheld."

Therefore, you are hereby advised to
vacate the above quarter and submit your vacation
report duly remarked by S.D.C./Gonda, to the under-
signed early, so that you may be settled-up
accordingly.

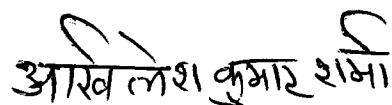
Please acknowledge receipt.

Sd./. Ill.
Chief Cashier.

TRUE COPY
ATTESTED



R.C. Sharma
Chief Cashier
Central Cashier, Gorakhpur, Lucknow



R.N. Sharma

१३

On the central Administrative
ब अदालत श्रीमान न्हीबेनल (न्हीलन बच्च) महोदय
[वादी] अपीलान्ट श्री लक्ष्मीनाथ
प्रतिवादी [रेस्पान्डेन्ट] का द्विवालतनामा

(टिफ्ट)	वादी (अपीलान्ट)
central Water Housing Corporation Employees Union	वनाम प्रतिवादी (रेस्पान्डेन्ट)
मुकदमा नं०	सन्
	पेशी की ता० १६ ई०

R. C. Saksena

ऊपर लिखे मुकदमा में अपनी ओर से श्री

Advocate, High Court
E- 2665, Roye Ji Puram, Alko
वकील वकील महादय एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रूपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी से यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह प्रालिकामा लिख दिया प्रमाण रहे और समय पर जाम आवे।

अनुरवत शुक्ल शर्मा
R. N. Sharma

प्रस्तावकर

Accepted
Date 19/3/89
साक्षी (गवाह) 19
दिनांक 20 महीना 3 सन् १९८९ ई०

A32

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
(LUCKNOW BENCH), LUCKNOW.

Title of the case - O.A.No.

of 89
(L)

Akilesh Kumar Sharma & others ... Applicants

Versus.

Union of India & others ... Respondents

Compilation Numbers 2 :

I N D E X

Sl.	No. Description of documents relied upon	Page No.
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1.	<u>Enclosure No. A-3</u> Application dated 12.9.1986 by applicant No.1 for Sharing accomodation with applicant No. 2.	15- -
2.	<u>Enclosure No. A-4</u> Order dated 4.2.87 passed by senior D.M.E. (D) Gonda allowing applicant No. 1 to Share accomodation with applicant No. 2.	16- 17
3.	<u>Enclosure No. A-5</u> Application dated 29.1.87 by applicant No.2 to allot Railway quarter No.E/295-B Type II in favour of applicant No.1.	18- -
4.	<u>Enclosure No. A-6</u> Application dated 23.3.87 by a applicant No.2.	19- -
5.	<u>Enclosure No. A-7</u> Application dated 20.7.87 by applicant No.2 for releasing his D.C.R.G.	20- 21
6.	<u>Enclosure No. A-8</u> Reminder dated 2.11.87 by applicant No,2.	22-23
7.	<u>Enclosure No. A-9</u> Application dated 22.7.87 by applicant No.2 for apply allotment of quarter No. E-295/B in his favour .	24- 25
8.	<u>Enclosure No. A-10</u> Application dated 7.8.88 by applicant No. 1.	26-27

(P3)

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11. Enclosure No. A-11
Representation dated 17.8.88 by applicant 28-30
No. 2 for allotting the quarter in favour
of applicant No. 1.

12. Enclosure No. A-12
Representation/reminder dated 24.12.88 by
applicant No. 2 for allotment of Railway
quarter in favour of applicant No. 1 and
for releasing D.C.R.G. 31-32

13. Enclosure No. A-13
Railway Board's circular letter dated
25.6.68 clarified of vide letter dated
19.12.81 if issued by the Railway Board. 33-35

Dated: Lucknow,
March. 19, 1989.

रामेश कुमार २८१

R. N. Sharma
Signature of the Applicant.

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(ASW)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
(LUCKNOW BENCH), LUCKNOW.

O. A. No.

of 1989 (L)

BETWEEN

Akhilesh Kumar Sharma & others ... Applicants,

AND

Union of India & others ... Respondents.

Enclosure No. A-3

लेखा में,

श्रीमान प्रवर मंडल यान्त्रिक इन्जिनियर ई01 महोदय,
पूर्वोत्तर रेलवे,
गोण्डा।

किंवदः - आदात आवंटन हेतु।

श्रीमान,

लेखा में सविनय निवेदन है कि प्रार्थी अखिलेश कुमार शर्मा डीजल शोड गोण्डा में डीजल फिलर के पद पर कार्यरत है तथा अपने पिता श्री रामनिवास शर्मा प्रवर छान्ची पूर्वोत्तर रेलवे गोण्डा के साथ रेलवे क्वार्टरं ०८०/२९५/वी रेलवे इन्जिनियरिंग कालोनी में रह रहा है। अतः श्रीमान जी से प्रार्थना है कि नियमानुसार उनके साथ उपरोक्त क्वार्टरं ०८०/२९५/वी में रहने की आज्ञा प्रदान करने की कृपा की जाय और मुझे इहाँसा मकान भर्ता नहीं दिया जाय। इसके लिये आभारी रहूँगा।

दिनांक १२-९-८६

प्रार्थी,

१०८५५, Rojipuram, Lucknow

आरवलेश कुमार शर्मा

R. N. Sharma

मान्यवर,
आवेदनकर्ता मेरा पत्र अखिलेश
कुमार शर्मा डीजल फिलर उपरोक्त
क्वार्टर में मेरे साथ रहता है तथा
इससे मैं सहमत हूँ।

८/० रामनिवास शर्मा
प्रवर छान्ची,
पूर्वोत्तर रेलवे,
गोण्डा १२-९

८/० अखिलेश कुमार शर्मा
पद - डीजल फिलर
मीडियम मेजर सेल्शन
टोकन नं० ९५२ पा० ३०।
डीजल शोड पूर्वोत्तर
रेलवे गोण्डा।

BEFORE THE CENTRAL ADMINISTRATIVE
TRIBUNAL (LUCKNOW BENCH), LUCKNOW.

O.A. No.

of 1989 (L)

BETWEEN

Akhilesh Kumar Sharma & others Applicants.

AND

Union of India & others Respondents.

Enclosure No. A-4

कार्यालय आदेश

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रेलवे आवास सं ३० ई/२९५/वी टाइप-॥ जो श्री रामनिवास शर्मा प्रवर छजान्ची को आवंटित है। उनके पुत्र श्री अखिलेश कुमार शर्मा डीजल फिटर ब्रेफ-॥। को, श्री रामनिवास शर्मा प्रवर छजान्ची के साथ आवास भागीदारी ॥/२ तेपर एकोमोडेशन। की स्वीकृति दी जाती है यह श्री शर्मा छजान्ची के रजामन्दी से है।

यह आदेश दिनांक 2-8-86 से लागू माना जायेगा व्योदित कथित कर्मचारी श्री अखिलेश कुमार शर्मा अपने पिता श्री रामनिवास शर्मा छजान्ची। के साथ दिनांक 2-8-86 से रहकरहा है।

इस आदेश को मंडल यांत्रिक अभियन्ता डीजल। ने अनुमोदित किया है।

कृते प्रवर मंडल यांत्रिक अभियन्ता
डीजल।
गोण्डा

संयोग/डीजल/आवास/गोण्डा/86-87 दिनांक 4-02-87

प्रतिलिपि निम्नलिखित को सूचनार्थी एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1- प्रवर मंडल लेखाधिकारी/लड्नऊ।
- 2- प्रवर मंडल रेल प्रवंधाक/विद्युत/लड्नऊ।
- 3- सहायक लेखाधिकारी/गोण्डा।

R.C. Sharma
अधिकारी, गोण्डा, लड्नऊ

अ.रविन्दशकुमार शर्मा

R. N. Sharma

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4- सहायक कार्यिक अधिकारी/गोण्डा, श्री अखिलेश कुमार शर्मा
में उन्हें दिनांक 2-8-86 से आज तक का दिया गया आवाह
भत्ता उनके वेतन से काट लेवे तथा साथ ही साथ माह
जनवरी 87 से वेतन से 1/2 आवोत किराया काटना
प्रारम्भ कर दें।

5- विद्युत फोरमैन/गोण्डा।

6- कार्य निरीक्षक/गोण्डा।

7- सम्बन्धित कर्मचारी।

8- बिल लिपिक।

ह/0 अपठनीय,

कृते प्रवर मंडल यांकिक अभियन्ता। डीजल।
गोण्डा।

आरवलेश कुमार शर्मा

R. N. Sharma

copy

R. N. Sharma

R. C. Sharma
मुख्य सचिव
गोण्डा, Rajaji Pura, Lucknow

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
(LUCKNOW BENCH), LUCKNOW.

O.A. No.

of 1989 (L)

BETWEEN

Akhilesh Kumar Sharma & others ... Applicants.

AND

Union of India & others ... Respondents.

Enclosure No. A-5

सेवा में,

प्रार्थना पत्र : ।।

मुख्य कोष्ठाधिकारी
पूर्वोत्तर रेलवे, गोरखपुर ।

विषय:- रेलवे आवास सं ० ई०/२९५/वी टाइप ।। मेरे पुत्र
श्री अखिलेश कुमार शर्मा के रहने की सूचना ।

महोदय,

नियेदन है कि प्रार्थी रेलवे आवास सं ० ई०/२९५ वी
टाइप ।। न्यू इंजीनियरिंग रेलवे कालोनी गोर्डा में रह रहा है
जो कि प्रार्थी के नाम से आवंटित है । प्रार्थी का पुत्र अखिलेश
कुमार शर्मा जो कि डीजल इंड गोर्डा में मार्च 85 से अगस्त 86
तक डीजल ट्रेनिंग फिल्टर के पद पड़ धेतनमान 950-1500 कार्यस्त है
अखिलेश कुमार शर्मा मार्च 85 से मेरे साथ आवास में रह रहे हैं ।
प्रार्थी एवं प्रार्थी के परिवार के किसी सेवाये के पास उनकी
तैनाती के स्थान पर निजी आवास नहीं है । अतः श्री अखिलेश
कुमार शर्मा के नाम रेलवे आवंटित करने की कृपा करें ।

आवश्यक कार्यवाही एवं सूचनार्थ प्रेषित ।

प्रार्थी,

८/० रामनिवास शर्मा,
प्रधिर खाजाची,
पूर्वोत्तर रेलवे, गोर्डा ।

प्रतिलिपि आवश्यक कार्यवाही हेतु सूचनार्थ :-

- प्रवर मण्डल लेहाधिकारी, पूर्वोत्तर रेलवे, लखनऊ ।
- मण्डल छान्ची पूर्वोत्तर रेलवे, लखनऊ ।

प्रार्थी,

८/० रामनिवास शर्मा,
प्रवर छान्ची,
पूर्वोत्तर रेलवे, गोर्डा ।


आरबलेश कुमार शर्मा

R.N. Sharma

दिनांक 29-1-87

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
(LUCKNOW BENCH), LUCKNOW.

O.A. No.

of 1989 (L)

BETWEEN

Akhilesh Kumar Sharma & others ... Applicants

• AND

Union of India & others ... Respondents.

Enclosure No. A-6

सेवा में,

प्रार्थनायम् ॥ ॥

श्रीमान मुख्य कोषाधिकारी महोदय,
पूर्वोत्तर रेलवे, . . .
सीरियल्स।

विधायः- रेलवे आवात संख्या ई0/295/वी/८ के आवंटन हेतु ।

महोत्तम

निवेदन है कि मेरा पुत्र अखिलेश कुमार शर्मा डीजिल फिटर वेतनमात्रान : 950-1500: डीजिल फेंग गोण्डा आवास भागीदारी : 1/2 सैयर एकोमोडेशन: निष्पम के तहत मेरे साथ रह रहा है । मैं दिनांक 28-2-87 को सेवानिवृत्त हो गया हूँ । अतः श्रीमान जी से प्रार्थना है कि विषयगत आवास क्र० ₹०-२९५/वी टाइप ।। मेरे पुत्र अखिलेश कुमार शर्मा डीजिल फिटर गोण्डा के नाम आवंचित करने की दृष्टा करें तथा माह मार्च 87 से आवास के पूर्ण किराये की कटौती का आदेश प्रदान किया जाय । अखिलेश कुमार शर्मा, डीर्हीफ० के घेतन से उपरोक्त आवास के किराये की आधी कटौती माह फरवरी, 87 तक विधिवत ही जा रुकी है । सैयर एकोमोडेशन आवंचन की प्रतिरिहित तंत्रज्ञन है ।

प्रार्थी ग्रामके इस कृतज्ञता पूर्ण कार्य के लिये सौंदर्य आभारी रहेगा।

संलग्नन्त श्रौयरू शुक्रोमोडेशान आवंटन
प्रतिलिपि ।

दिनांक: 23-3-87

प्राची

६/८ रामनिवास शर्मा,
भूपू० पृथान छाजान्धी;
पूर्वांतर रेलवे,
गण्डा।

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
(LUCKNOW BENCH), LUCKNOW.

O.A. No.

of 1989 (L)

BETWEEN

Akhilesh Kumar Sharma & others ... Applicants.

AND

Union of India & others ... Respondents

Enclosure No. A-7

तेवा में,

रिमाइंडर

श्रीमान मुख्य कोषाधारी महोदय,
 पूर्वोत्तर रेलवे,
 गोदापुर।

विषय:- रेलवे आवास नं० ई/295/दी के मेरे पुनर श्री अखिलश
 कुमार शर्मा के नाम आवंटन द्वारा दिया गया दिनांक
 23-3-87 के प्राप्तिरापन के सम्बन्ध में।

श्रीमान,

निवेदन है कि प्राप्ति ने विषयगत रेलवे आवास को
 रेलवे बोर्ड तेवानिवृत्त आवास आवंटन नियमों के अन्तर्गत अपने
 पुनर श्री अखिलश कुमार शर्मा डीजल फिटर के नाम आवंटन के
 लिये दिनांक 23-3-87 को एक विनाय आवेदन आपकी आवश्यक
 कार्यवाही द्वारा प्रस्तुत किया था।

प्रस्तुत प्राप्ति पक्के सम्बन्ध में क्या कार्यवाही
 है। यदि रेलवे आवास का आवंटन मेरे पुनर के नाम से कर
 दिया गया है तो इस आदेश की एक प्रति प्राप्ति को भेजने
 की विनाय कृपा करें जिससे प्राप्ति अपनी रोकी गई रूपया
 27000=00 डी०सी०आर०जी० के मुगातान के लिये प्रदर प्रैंडल
 लेखाधिकारी लानउ को एक आवेदन प्रेषित कर सके। रेलवे
 आवास के आवंटन की प्रति के अभाव में प्राप्ति डी०सी०आर०जी०
 के मुगातान सम्बन्धी कार्यवाही करने में असमर्पि है।

अतः आपसे विनाय अनुरोध है कि रेलवे आवास के
 आवंटन की प्रति भारी प्रति भारी प्रति प्राप्ति को भेजने की
 रूपा करें। प्रति के अभाव में प्राप्ति का डी०सी०आर०जी० का

R.C. Sharma
 रेलवे अधिकारी
 डी०सी०आर०जी०
 रेलवे, Rojajipuram, Lucknow

अखिलेश कुमार शर्मा

R. N. Sharma

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लका ही हुआ है। स्के हुये मुश्तान पर 10 प्रतिशत की दर आर्थिक हार्नि भी उठानी पड़ रही है।

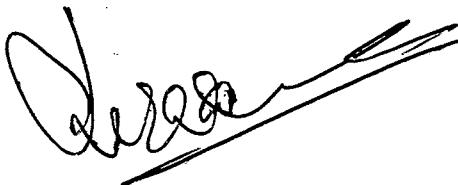
आशा ही नहीं पूर्ण विवरात है कि प्राधार्न के इस अधिनियम पर सहानुभूतिवृक्षक विचार करते हुये रेलवे आवास आवंटन के विषय में लिखे गये नियंत्रण को प्रति भेजने की कृदा करें। इस कृतज्ञता पूर्ण कार्य के लिये प्राधार्न सौंदर्य हृदय से आपका आभारी रहेगा। इसे अंत आवश्यक समझा जाय।

प्राधार्न,

अपारिवल्लश कुमार शर्मा
R. N. Sharma

दिनांक: 20-7-07

इ/० रामनिवास शर्मा,
इ/०५० प्रधार्न खाली,
न्यू रेलवे इन्डियन रेलवे बोलोनी,
क्षेत्र ०५० इ/२९५/दी,
दहौला गोप्ता।


R.C. Sharma
रामनिवास शर्मा
०५०५०, Rojajipuram, लखनऊ

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
(LUCKNOW BENCH), LUCKNOW.

O.A. No. of 1989 (L)

BETWEEN

Akhilesh Kumar Sharma & others ... Applicants.

Union of India & others ... Respondents.

Enclosure No. 4-8

प्रेषणे

रामनिवास शर्मा
भूतपूर्व प्रधान खान्दी,
द्वूष्यत्तर रेलवे गोण्डा
क्षेत्र ०१०० ३/२५/वी
रेलवे न्यू हंजीनियरिंग कालोनी,
वडगंज गोण्डा ।

सेवा गें

श्रीमूर्ति शुभ योषाधारी,
पूर्वोत्तर देलवे,
गोदावर ।

विधायः - रेलवे आवास सं० हॉ-295/वी को भेरे हुव्र श्री अखिलेश
कुमार शास्त्री के नाम आवंदन के हेतु फिर्दे गये प्राप्तानावृत्त
दिनांक 23-3-87 के सम्बन्ध में द्वितीय रिपाइन्डर ।

श्रीमाता

प्रार्थी व्दारा उपरोक्त विधाय घर दिये गये प्रार्थना पत्र दिनांक 23-3-87 के संदर्भ में आपका कृपालु द्वयान इस द्वितीय स्मरण पत्र व्दारा आर्थित किया जाता है द्वया प्रार्थना है कि छः माह से भी अधिक समय लेने के बाद भी प्रार्थी को उपरोक्त आवास आवंटन के निर्णय से दूरीयत नहीं किया गया है परीक्षाम-स्वरूप प्रार्थी अपनी समूर्छा रोकी गई :डी०सी०आरजी०: डी०सी०आरजी० का मुश्तान प्राप्त नहीं कर सका है जो कि लगभग रु० 32000=०० है तथा अवर्णनीय आर्थिक दाति छत कीठन समय में छठा रहा है । मैं दिनांक 28-2-87 को सेवा निवृत्त हुआ था । अतः निषेद्ध है कि प्रार्थी को आवंटन के निर्णय से अतिरिक्त दूरीय ही अवगत कराया जाय ताकि प्रार्थी अपनी रोकी गई डी०सी०आरजी० के मुश्तान के लिये ग्रवर मंडल लेहारीदाकारी लेहाना

आरवल श कमार शर्मा
R.N. Sharma

R.N Shaeme

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पूर्वोत्तर रेलवे को आवेदन प्रेरित कर सके तथा मुश्तान प्राप्त कर सके। आपकी तुर्मिधा के लिये रेल परिवाद का फोटो स्टेट परिषद नं 0 ई/575/1/माग-5:वार: दिनांक 13-1-82 इसके लिए लंगन है। इस कृषा के लिये आपत आभार होगा।

प्रार्थी,

दिनांक 2-11-87

ह/0 रामनवास शर्मा,
मुख्यो पूर्धानु छाजून्दी,
न्यूजीन्डिनधार्म देलव, कालोनी,
क्षेत्र 0 ई/295/वी बडगाँव, गोपन्दा

अरविल शुभमार शर्मा

R. N. Sharma

TRUE COPY
ATTTESTED

रामनवास शर्मा
मुख्यो पूर्धानु छाजून्दी
न्यूजीन्डिनधार्म देलव, कालोनी
क्षेत्र 0 ई/295/वी बडगाँव, गोपन्दा

24
प्र०

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
(LUCKNOW BENCH), LUCKNOW.

O.A. No.

of 1989 (L)

BETWEEN

Akhilesh Kumar Sharma & others ... Applicants.

AND

Union of India & others ... Respondents.

Enclosure No. A-9

श्रीमान प्रवर मण्डल पार्सिक अभिभन्ना,
पूर्वोत्तर रेलवे डीजल शेड,
गोप्टा ।

प्रियाधिः - रेलवे आवास संख्या ८८५-वी टाइप-॥ के आवृत्तन के
लिये ।

संदर्भः - प्रदूर मण्डल पार्सिक अभिभन्ना डीजल शेड के कार्यालय
आदेश या/डीजल/आवास/गोप्टा ४६-८७ दिनांक
4-2-87

महोदय,

विषयाधित आवास में, प्राप्त एवं आपके कार्यालय आदेश
दिनांक 4-2-87 के अन्तर्गत अगस्त, 1986 से आपने पिता श्री रामनिवास
शर्मा प्रधान खाजान्धी के साथ एवं पैर एकोमोडेशन में रह रहा था
प्राप्ति के पिता श्री रामनिवास शर्मा जो कि दिनांक
28-2-87 को प्रधान खाजान्धी के घट से तेपानिवृत्त हो चुके हैं ।

प्राप्ति के देतन से अगस्त 86 से रेलवे आवास के विकाराय
की आधी घरानीभा आज आवेदन पत्र देने तक काटी जा रही है ।
यह भी ध्यान देने वोग्य है प्राप्ति ने अगस्त 86 से मकान भत्ता भी
नहीं लिया है ।

अतः विनाश अनुरोध है विषयाधित आवास प्राप्ति के
पिता की सेवानिवृत्त तिथि दिनांक 28-2-87 से पूर्ण स्वरूप से प्राप्ति
के अधिकार में है । अतः दिनांक 1-3-87 से विषयाधित आवास
को आवृत्त करके प्राप्ति के देतन से दिनांक 1-3-87 से पूरा

TRUSTED
ATTACHED

१८८८
८८८८
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८८८८, Rajaipuram, Lucknow

अखिलेश कुमार शर्मा

R. N. Sharma

== 2 ==

किराया काटने के आदेश प्रदान करने की कृपा करें। प्राप्ती विभागत आवास के आवंटन के लिये नियमों के अन्तर्गत हकदार है। विभागत आवास का आवंटन ऐलवे बोर्ड के तेवरीनवृत्त नियमों के अन्तर्गत करके इसकी सूचना प्रबर मंडल लेखा० पूर्वोत्तर ऐलवे लखनऊ सर्व सुख्य कोषाधिकारी पूर्वोत्तर ऐलवे गोरखापुर को भोजने की असीम कृपा करें।

प्राप्ती आपके इस कृतज्ञता पूर्ण कार्य के लिये हृदय ते नैव आपका कृपी रहेगा।

प्राप्ती,

डॉ/० अमित शुभा शर्मा,
डीजिल : १५८०
देतनमान ९५०-१५००
डीजिल शॉह गोप्ता
ठोकन नं० ३०।

दिनांक: 22-7-87
T.R. ८८
ACTED
Signature
१०८८
संस्कृत विद्यालय
गोप्ता शॉह गोप्ता

आरवल शुभा शर्मा
R. N. Sharma

26 (P.M.S.)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
(LUCKNOW BENCH), LUCKNOW.

O.A. No.

of 1989 (L)

BETWEEN

Akilesh Kumar Sharma & others ^{Pl.} Applicants

AND

Union of India & others ^{Re.} Respondents

Enclosure No. A-10

श्रीमान प्रबर मन्डल वानिक अभियन्ता,
पूर्वोत्तर रेलवे डीजिल रोड, गोरांडा।

विषय:- रेलवे आवास सं० ई०/२९५ वी० ट्राइप फ्लॉप के आवंटन
के लिये -

संदर्भ :- प्रबर मन्डल वानिक अभियन्ता इंडीजिल रोड के कार्यालय
आदेत पा/डीजिल/आवास/गोरांडा ८६-८७ दिनांक
०४-०२-८७

महोदय,

विषयगत आवास में प्राथमिक आवके कार्यालय आदेत
दिनांक ४-२-८७ के अन्तर्गत अगस्त १९८६ मे अपने पिता श्री रामनिवास
शर्मा प्रधान खान्ची के साथ बौधर एकोहोडेशन मे रह रहा था।

प्राथमिक के पिता श्री रामनिवास शर्मा जो कि दिनांक
२८-२-८७ को प्रधान खान्ची के घट से लेवानिवृत्त हो दुके हैं।

प्राथमिक के घेतन से अगस्त ८६ से रेलवे आवास के किराये की
आधी धनराशि आज आवेदन पत्र देने तक काटी जा रही है। यह भी
ध्यान देने धोखा है प्राथमिक ने अगस्त ८६ से मकान भत्ता भी नहीं
फिलहाल है।

अतः विनाश अद्वैत है विषयगत आवास प्राथमिक के
पिता की लेवानिवृत्त तिथि दिनांक २८-२-८७ से पूर्ण रूप से प्राथमिक
के अधिकार मे है। अतः दिनांक ०१-०३-८७ से विषयगत आवास को
आवृत्त करके प्राथमिक के घेतन से दिनांक ०१-०३-८७ से घूरा किराया
काटने के आदेत प्रदान करने की कृपा करें। प्राथमिक विषयगत
आवास के आवंटन के लिये नियमों के अन्तर्गत हकदार है। विषयगत
आवास का आवंटन रेलवे बोर्ड के लेवानिवृत्त नियमों के अन्तर्गत
दरके इसकी सुधना प्रबर महा लेहा अधिकारी पूर्वोत्तर रेलवे
लघनठ सर्व मुख्य कोषा अधिकारी पूर्वोत्तर रेलवे गोरखापुर को

TR 222
A.C. 10. 55

१५८

कोलकाता, १५८

आरबल शुक्रार शर्मा

R. N. Sharma

== 2 ==

भेजने की आतीम कृपा करें।

प्राप्ति आपके इस कृतज्ञता पूर्ण कार्य के लिए हृदय से
त दैव आपका कृपा रहेगा।

दिनांक:

प्राप्ति,

आरवल श कुमार शर्मा

R. N. Sharma

ह/० अधिकारी क्लार इमर्सन,
ही-फिटर ब्रैड त्रितीय
बैतनमान ९५०-१५००
डीजल रोड गोण्डा।
टोकन नं० ३०।

TRUE COPY
ATTESTED



R.C. Sharma
R.C. Sharma
GPO, Paharpuram, Lucknow

28
(A.D.)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
(LUCKNOW BENCH), LUCKNOW.

O.A. No. of 1989 (L)

BETWEEN

Akhilesh Kumar Sharma & others ... Applicants.

AND

Union of India & others ... Respondents.

Enclosure No. A-11

Reqd. A.D.

(FOR KIND AND PROMPT ATTENTION OF SHRI J. RAJAGOPALACHARI GENERAL MANAGER N.E. RAILWAY)

The General Manager,
N.E. Railway, Gorakhpur.

Sir,

Sub:- Prayer for Arranging payment of my
D.C.R.B. Alongwith Interest on D.C.R.B.
amount for administrative delay.

Ref:- (1) My many representatives to Chief
Cashier/GKP.

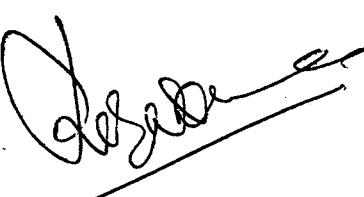
(2) Dy.CAO(T) GKP's order Communicated
under Chief Cashier GKP's letter
No. CP/76/20/1/1498 dt. 2.8.88

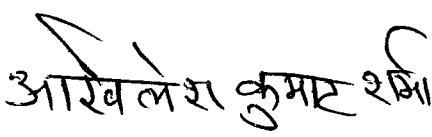
Aggrieved by non-payment of my D.C.R.B.
even after 18 (eighteen) months of my retirement after
faithfully and diligently serving the Rly administrati-
on for over twenty nine years, I am constrained to
knock at your honours door with the following submiss-
ions:-

That, I retired from Railway Service as
Head Cashier Gonda on 28.02.87.

That I was allotted Railway Quarter at Gonda
during my service and in accordance with the instruc-
tions issued by the Railway Board under their letter No.
E(G)78 QR1-53 dt. 4.11.78 and guide lines issued in
Para 1714 of Indian Railway Estt. Manual my son Shri
Akhilesh Kumar Sharma who was also posted at Gonda as

TRUE COPY
ATTESTED


R.N. Sharma
Ex-Head Cashier
Gonda Sub-Division, Lucknow


R.N. Sharma

Diesel Fitter Gr. III was granted sharing of the above Rly accommodation with me from the date of his posting at Gonda in August, 86.

That on my retirement I requested vide my application dt. 23.03.87 to regularise and allot the aforesaid Railway Qr to my above named son in pursuance of Railway BD's order contained in their letter No. E(G) 66 Qr 1-11 dt. 25.6.66 on out of turn basis as my son is a Railway Servant eligible for Railway or of the same type and shared the Rly accommodation with me for more than 6(Six) months before my retirement Rly. BD's above instruction have been repeated from time to time vide BD's letter No. E(G) 78 QR-1-25 dt. 19.12.81 circulated under GM(P) GKP's letter No. E/575/1 -5 () dt. 13.1.82. But despite our repeated application dated 23.3.87, 20.7.87, 21.11.87 etc, the daid Rly Qr. has not yet been regularised in the name of my son. On the other hand, Chief Cashier Gorakhpur vide his letter No. CP/76/20/1/1502 dt. 2.8.88 has communicated Dy. CAO(T) GKP's decision to the effect that "Any such allotment is illegal and hence employee may be asked to vacate " etc.

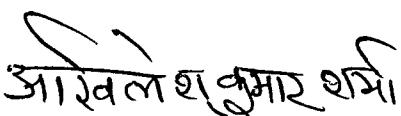
That it is not understand as to how in view of the repeated instructions of Rly Board for regularisation of Rly., Quarter of a retiring employee to his son, if otherwise eligible Dy. CAO(T) has come to the decision that any such allotment is illegal and that too after a lapse of about 18 months.

That, thus payment of my D.C.R.G. has been illegally withheld for about 18 months now.

I, therefore, most fervently request your goodself to regularise allotment of the Rly. Quarter in question in favour of my son Shri Akhilesh Kumar Sharma Diesel Fitter Gr. III working under Sr. DME(D)

TR
ATTENDED


R.N. Sharma
G.C. G.
G.C. G.
G.C. G.
G.C. G.
G.C. G.
G.C. G.
G.C. G.


R.N. Sharma

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10/10/88
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Gonda w.e.f. 1.3.87 i.e. from the date of my retirement and arrange payment of my DCRG alongwith interest for delayed payment of DCRG as admissible under rules.

Hoping for an early action with a reply to the applicant.

Thanking you,

Gonda:
Dt: 17/8/88

Yours Faithfully,

Sd/- R.N. Sharma
Ex. Head Cashier,
Q.No. E/295/B New Engineering
Rly. Colony Gonda.

Copy of the above is submitted for information and prompt action to :-

1. F.A. & CAO N.E.Rly., Gorakhpur.
2. Chief Cashier N.E. Rly., Gorakhpur.
3. Shri Madav Rao Shindhia Hon'ble Minister Rly's New Delhi.
4. Sri P. Chidambaram Minister for pension & pensioner Welfare New Delhi.
5. Sri Mahabir Prasad Dy. Minister for Rly., RailBhawan New Delhi.

Gonda:
Dt. 17/8/88

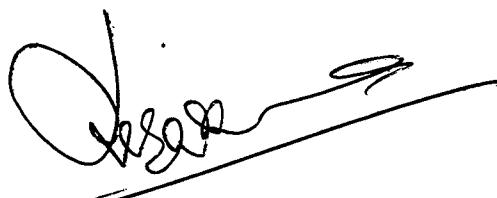
Yours faithfully

Sd/- R.N. Sharma,
Ex. Head Cashier,
Q.No. E/295/B New Engineering
Rly. Colony Gonda.

आरक्ष शर्मा द्वारा

R.N. Sharma

TRUE COPY
ATTACHED



R.N. Sharma
M.A. (Hons)
G.M.C.B., Raebhipuram, Lucknow

31
ASO

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
(LUCKNOW BENCH), LUCKNOW.

O.A. No. of 1989 (L)

BETWEEN

Akilesh Kumar Sharma & others ... Applicants.

AND

Union of India & others ... Respondents.

Enclosure No. A-12

" FIRST REMINDER %

REGISTERED A/D "

(For kind attention of Shri Gauri Shanker, General Manager Northern Eastern Railway)

To,

The General Manager,
North Eastern Railway,
Gorakhpur.

Sir,

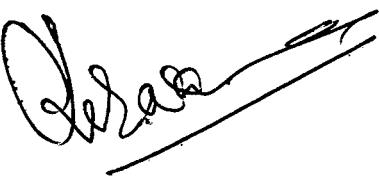
Sub: PRAYER FOR ARRANGING PAYMENT OF MY SCRG
Rs. 35,000/- ALONGWITH INTEREST ON
D.C.R.G. AMOUNT FOR ADMINISTRATIVE DELAY

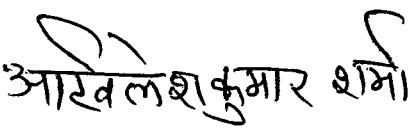
Ref: i) My many representations of Chief Cashier N.E. Railway, Gorakhpur.
ii) Dy cao (T) GKP's order Communicated under Chief Cashier, GKP's letter No. CP/76/20 1498 dated 2.8.1988.
iii) My representation on dt. 17.8.88 to your honour.

May I invite your kind attention to my representation dated 17.08.88 sent to your honour by Reg. Post/AD to which I have not been favoured with any reply so far and my entire DCRG amount continues to remain withheld till now.

That I retired from Railway Service as Head Cashier, Gonda on 28.2.87 and almost two years are going to pass after my retirement but I have not been paid my DCRG amount so far.

That, I was allotted Railway Quarter at Gonda and my son Sri Akhilesh Kumar Sharma working as Diesel Fitter, Diesel Shed, Gonda was granted sharing of Railway accomodation with me from the date of his


R.C. Sharma
Ex-Head Cashier
Gonda, Gorakhpur, U.P.


आखिलेश कुमार शर्मा
R.N. Sharma

32
AS

posting at Gonda in August. 86 in accordance with Railway Boards letter No. E(G)78QRI-53 dt. 4.11.78 after my retirement. I ~~had~~ requested for allotment of my Railway Quarter to my above named son out of turn basis in terms of Railway Boards letter No. E(G)66 Qr. 1-11 dated 25.6.66 as repeated from time to time. But despite Rly. Board instruction on the subject and despite my son's eligibility for allotment of the said Railway Quarter after my retirement, Dy.CAO(T) Gorakhpur has rejected the request in violation of Railway Board Instructions as a result I am not getting my DCRG for no fault of mine but as a result of administrative error and delay.

I therefore, most fervently pray to your honour to intervene in the matter and be kind enough to allot the Rly. Quarter to my son from the date of my retirement and also arrange payment of my DCRG with interest for the delayed paid.

Praying for an early favourable action under advice.

Thanking you,

Yours faithfully,

Sd/- R.N. Sharma,
Ret. Head Cashier,
Rly. Qr. No. E/295-B
New Engineering Railway
Colony, Gonda.

Copy of the above is submitted in continuation of my earlier representation dt. 17.8.88 for information & prompt action to:-

1. FA & CAO, NE.Rly. Gorakhpur.
2. Chief Cashier, N.R. Rly, Gorakhpur.
3. Shri Madav Rao Sindhia, Hon'ble Minister for Railway, Rail Bhawan, New Delhi.
4. Shri P. Chindambaran, Hon'ble Minister for Pensions and Pensioner's Welfare, New Delhi.

Dated: 24.12.88

(R.N. Sharma)

रामेश्वर शर्मा
R. N. Sharma

33
PSV

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
(LUCKNOW BENCH), LUCKNOW.

O.A. No. of 1989 (L)

BETWEEN

Akilesh Kumar Sharma & others ... Applicants.

AND

Union of India & others ... Respondents.

Enclosure No. A-13

0-135
क्रमांक - 1227
संख्या ई 0/575/1 भाग-5 यारा।
तभी विभागाध्यक्ष,
तभी मुठले रेल प्रबन्धक,
तभी कार्यालय कार्यालय कार्यालय
तभी अतिरिक्त लेवे।

द्वूवर्त्तर रेलवे

कार्यालय महा प्रबन्धक
गोरखपुर।
दिनांक 13-1-1988।

विषय:- सेवानिवृत्त अध्यवा लेवा के दौरान परे कुर्मचारीरणों
के आवृत्ति के नाम रेलवे क्षेत्र के आवृत्तन का
विविधयन।

रेलवे बोर्ड के दिनांक 19-12-1981 के पत्र संख्या ई 178
क्यू आर-1-23 की प्रतीतिलिपि सूचना, मार्गदर्शन एवं आवश्यक कार्यवाही
द्वेष्ट्र प्रेषित है। बोर्ड का संदर्भित पत्र दिनांक 25-6-66 इति कार्यालय
के समसंख्यक परिषद क्रमांक 556। दिनांक 26-7-66 द्वारा परिचारित
हुआ है।

संग्रन्थक/योगीर

व/0 अष्टनीय
12-1-82

R.C. Sharma
कार्यालय
गोरखपुर, उत्तर प्रदेश

आरेकल श. कुमार शर्मा
R.N. Sharma

द्वूते महाप्रबन्धक कार्यालय।

महाप्रबन्धक तभी भारतीय रेल एवं अन्व को प्रेषित रेलवे
बोर्ड के पत्र संख्या ई 178 क्यू आर 1-23 दिनांक 19-12-1981
की प्रतीतिलिपि।

कृपया रेलवे बोर्ड का 25-6-66 का पत्र संख्या 166 क्यू
आर 1-11 देखों जितमें वह व्यवस्था है कि रेलवे आवास के आवंटी रेल
कर्मचारी के सेवानिवृत्त दो जाने पर, अध्यवा उसकी सेवाकाल में सृत्यु हो
जाने पर उसके पुत्र, पुत्री, पत्नी, परित अध्यवा पिता को रेलवे आवास दिना-
वारी आवंटित किया जाये वर्गाते कि कीथा सम्बन्धी रेल लम्हारी

= 2 =

के साथ उसकी लेवानिवृत्त अधिकारी मृत्यु की तारीख ते कम से कम 6 महीने पहले से उसके साथ आवास मे रह रहा हो । उसमे वह भी व्यवस्था की यदी थी कि यदि जम्बन्धी उसी टाइप अधिकारी से उच्चतर टाइप का पात्र है तो उसके नाम वही क्वार्टर विनियमित कर दिया जाये । अन्य मामलों में पात्र टाइप का अधिकारा उससे नियुक्त टाइप का आवास आवीटत किया जाये ।

रेल मंत्रालय ने अब वह विनियम किया है कि उक्त विधायत देना जारी रखा जाये लेकिन शार्ट यह है कि जिन मामलों में लेवानिवृत्त अधिकारी अधिकारी उसके परिवार के किसी सदस्य के पास उसकी तेजाती के स्थान पर अपना मकान है तो उस अधिकारी का कोई विनावारी के लिये क्वार्टर के आवंटन का पात्र नहीं होगा ।

ट/0 के ००लाईडी
डेस्क अधिकारी। स्थान।
सामान्य ।

आरव.ल.श. कुमार ईमी
R. N. Sheesma

T.D.P. 1974
R. N. Sheesma

Q.C. Suresh
मुख्य विवर
Gopalpuram, Lucknow

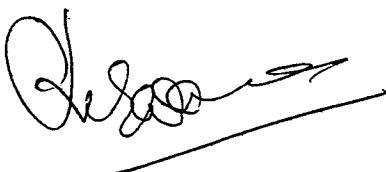
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Page

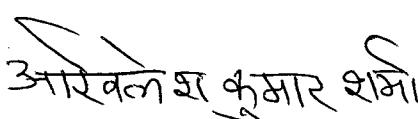
Copy of Railway Board's letter No. E(G)78QR1-23 dated 19.12.1981 addressed to the General Managers, All India Railways and others.

Sub:- Regularisation of allotment of Railway Quarters in the name of dependents of a Railway servant who retires from or dies while in service.

Reference Railway Board's letter No. E(G)66QRI-11 dated 25.6.66 wherein it was provided that when a Railway servant who has been allotted Rly. accommodation retires from service or dies in service, his/her son, daughter, wife, husband of father may be allotted Rly. accommodation on out of turn basis provided that the said relation was Railway servant eligible for Railway accommodation and had been sharing accommodation with the retiring or deceased railway servant for atleast six months before the date of retirement or death. It was also provided therein that the same residence might be regularised in the name of the relation if he/she was eligible for a residence of that type or a higher type. In other bases a residence of entitled type next below was to be allotted.

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The Ministry of Railways have since decided that the above concessions should be continued with the provison that in cases where the retiring officer or the number of his family owns a house in the place of his/her posting, the specified relative will not be eligible for allotment of Rly. Qrs, on out of turn basis.


R.N. Sharma

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BRANCH
LUCKNOW

Regn.No.70 of 1989 (L)

Between

Akhilesh Kumar Sharma & another. ... Applicants

and

Union of India and others. ... Respondents.

(Fixed for 4.5.1989)

C O U N T E R R E P L Y

I, Ram Lal aged about 57 years working as
Chief Cashier, N.E.Railway, Gorakhpur, do hereby state as under:-

1. That the above named official is impleaded as
Respondent No.3 in the present application and as such he is
fully conversant with the facts and circumstances of the case
and has been authorised by other respondents to file this
Counter reply.
2. That before giving parawise reply to the present
application the answerin. respondents crave leave of this
hon'ble Tribunal to raise the following preliminary objections
which may be decided before taking up the case on merits.

PRELIMINARY OBJECTIONS

(A) Whether two applicants can seek two different
reliefs in single claim application ?

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Ram Lal
4/5/89
C.E.M. Bhatt

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(B) Whether the claim application itself would be maintainable against the order, which was passed by an officer who was not made party in the claim application?

3. That the contents of para 1 of the claim application is denied as stated. B.A.O.(T) did not pass the order No. CP/76/20/1/1498 dated 2.8.1988 as alleged. Annexure No.A-1 indicates the date of order on 28.7.88. Similarly the order No. CP/76/20/1/176 dated 24.1.89 is also not passed by the General Manager, North Eastern Railway, Gorakhpur. It is rather a communication of the General Manager's decision.

4. That the contents of paras 2 and 3 of application do not call for reply.

5. That before giving reply to para 4 of the application the brief facts of the case may be stated as follows :-

(i) Sri R.N. Sharma, the applicant No.2, Ex-Head Cashier, Gonda was allotted a Railway Quarter No.E/295/8 (Type-II) at Gonda. The applicant No.2 was retired from service w.e.f. 28.2.87 at the age of superannuation and accordingly he was liable to vacate the said Rly. Quarter w.e.f. 28.2.1987.

(ii) The applicant no.2 for the first time submitted an application dated 27.3.87 to the Chief Cashier, Gorakhpur i.e. after a month from the date of his retirement, alongwith a copy of the order No. आ/डीजल/आवास/गो.86-87 dt. 4.2.87, issued from the office of Sr.D.M.E., Diesel, allowing the applicant No.1 to share 50% accommodation of the said Rly. Quarter, with a request to allot the next 50% allotment of the said Railway Quarter may be made in favour of his son, the applicant no.1 since he has been retired from service w.e.f. 28.2.87.

(a) That as per policy the quarters over this Railway have been pooled up and distributed under the control of respective departmental heads and accordingly the

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quarters pooled for one department can not be allotted to the staff of another department or by the officer of other department.

(b) That since the aforesaid railway quarter belongs to the pool of respondent no.3 and not of Mechanical Pool and the Sr.D.M.E./Diesel had issued the said order without prior permission and without information to respondent no.3 who is the controlling officer for allotment of said railway quarter of Cash and Pay's pool and which does not come under the subordination of Sr.D.M.E.(Diesel), the said orders itself were illegal and without jurisdiction.

(c) That besides this against the clear instructions of various railway Board circulars the Sr.D.M.E./Diesel has issued the uncalled for and illegal order dated 4.2.87, just 25 days before the retirement date(viz 28.2.87) of applicant no.2 stating therein that applicant no.1 is residing with his father applicant no.2 w.e.f. 2.8.86 and that excess paid house rent allowance and 50% amount of the said railway quarter rent may be recovered from the pay bill of applicant No.1 with a view to extending illegal benefit to him as they were liable for the penal action for the said act.

In view of the above, the said order dt.4.2.87 issued by Sr.D.M.E./Diesel, Gonda was not considered genuine by Dy.C.A.C.(T) and subsequently by the General Manager, accordingly the applicant no.2 was advised to vacate the said railway quarter still lying in his possession so that his D.O.R.G. payment could be arranged early.

(I) That the contents of para 4(I) of applicant is not admitted as stated. As explained earlier the Dy.C.A.C.(T) did not issue the order dated 2.8.88 as alleged. Similarly the order dated 24.1.89 (wrongly mentioned in application as 21.1.89) is also not issued by the General Manager.

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(II). That the contents of para 4(II) of application is not disputed.

(III). That the contents of para 4(III) of application as stated is not admitted. As a matter of fact the applicant no.1 was not at all entitled to reside with his father in Railway Quarter in terms of Railway Board's letter No.2(G)71(R1-4 dt. 27.2.71 and its clarification thereof vice letter dated 11.2.82. Photocopies of such letters dated 27.2.71 and 11.2.82 are being filed herewith as Annexure No.R-1 and R-2 respectively to this reply.

(IV). That the para 4(IV) of application is not disputed but it is stated that it has got no relevance with the present case.

(V). That the para 4(V) of application is not disputed but it is stated that the said application itself proves the illegal act committed by the applicants.

(VI). That in reply to contents of para 4(VI) of application it is stated that the allotment of Share accommodation vice order dated 4.2.87 issued by Sr.D.M.E.(Diesel)Gonda in respect of Applicant No.1 with Applicant No.2 was quite improper. Moreover, no such approval was taken from the side the Respdt.3 who is the competent and controlling authority for the allotment of the railway Quarter of Cash and Pay's pool, being a separate pool for Cash and Pay staff. The Sr.D.M.E.(Diesel)Gonda is not at-all competent to allot the said quarter of Cash and Pay's pool to his staff. The quarter in question which is still in possession of Applicant No.2 is a post allotted quarter is meant for the locally essential staff of Cash and Pay/Gonda, so that other departmental officer like Sr.D.M.E.(Diesel) Gonda is not authorised to allot it to any one amongst his own staff.

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(VII). That the contents of para 4(VII) of application is denied as stated. It is further submitted that an undated application from Applicant No.2 was received in the office of the Respondent No.3 like a routine information and was quite incomplete, because as per practice and procedure the applicant no.1 should have made a request through his department showing his status and service particulars therein and also getting consent thereon from the applicant no.2 and after having it duly forwarded by the competent authority. It should have been submitted to the office of the Respondent No.3 who is the controlling authority of the Cash and Pay's Pool quarter. Besides this, the applicant no.1 should have made such request atleast six months before from the date of retirement of the applicant no.2 in terms of extant instructions of Railway Board circulated in letter No. E(G)71(RL-4 dt.27.2.71 and dt. 19.12.81 as circulated alongwith the circular No. E(G)78(RL-23 dt.11.2.82 annexed herewith as Annexures R-1 & R-2 to this reply to which the applicants have suppressed with a view to gainin illegal advantage.

(VIII). That in reply to contents of para 4(VIII) of application it is stated that the application dated 27.3.87 (not 23.3.87) alongwith a photostat copy of Sr.D.M.L.(Diesel) N.E.Railway, Gonda's office order No. या/अंजलि/आवास/गोडा/86-87 dated 4.2.87 and the reminders dt.20.7.87 and 2.11.87 thereof were received in this office of Respondent no.3 for the first time, after which the case was examined in detail at the competent level and the Sr.D.M.L.(Diesel), N.E.Rly., Gonda was asked to clarify as to on what ground he had issued his order dated 4.2.87. This was further pursued with the Sr.D.M.L.(Diesel) Gonda through office letter No. CP/76/20/1/200 dt.10.6.87 and

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28.12.87, 1.1.88 or even no.CP/76/20/1/1980 dated 20/29.9.88 and subsequently due to non-receipt of reply from Sr.D.M.E.(Diesel) the applicant no.2 was advised vide letter No.CP/76/20/1/1498 dated 2.8.88 to vacate the Railway Quarter in his possession early so that on getting clearance certificate through DC/LJN, the payment of his D.C.R.G. would be arranged in view of the Railway Board's letter No.I(G)81R1-51 dated 24.4.82 a copy of which is being filed herewith as Annexure No.R-3 to this reply.

(IX). That ~~in reply to~~ contents of para 4(IX) of application is denied as stated. The said applications were never received by the office of respondent no.3 till date.

(X). That the contents of para 4(X) of application is not admitted as stated. As a matter of fact the order of Dy.J.A.O.(T) was communicated by the respondent no.3 vide his order dated 2.8.88 to the applicant no.2.

(XI). That in reply to the contents of para 4(XI) of ~~xxxix~~ application it is stated that the application dt. 17.8.88 of Applicant No.2 addressed to Respondent No.2(i.e. General Manager, N.E.Railway, Gorakhpur) was put up before the competent authority and it was decided at the competent level i.e. F.A. & C.A.O., N.E.Railway, Gorakhpur that Mr.D.M.E.(Diesel) Gonda may be asked on what basis he had issued the said order dated 4.2.87. Accordingly Sr.D.M.E.(Diesel) Gonda was apprised of this decision, vide this office letter No.CP/76/20/1/1988 dated 20/29.9.88 and the reply is still awaited from him. A copy of letter dated 20/29.9.88 is being filed herewith as Annexure R-4. In this connection it is also submitted that the application dated 24.12.88 was put up before Respondent No.2(i.e. G.M., N.E.Railway, Gorakhpur) and it was held that the applicant manipulates for allotment illegally and not eligible to retain the quarters hence D.C.R.G. withheld and the sale was conveyed

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to the Applicant No.2 vide office letter No.JP/76/20/1/175 dated 24.1.89 as contained in Annexure No.A-2 to this application.

(XII). That the contents of para 4(XII) of application is denied in view of reply given in para XI above.

(XIII). That the contents of para 4(XIII) of application is not admitted as stated. The provisions of the Railway Board's circular has been misinterpreted by the applicant by suppressing further instructions issued in this regard for his own use. The said circular contained in Annexure No.A-13 read with Railway Board's circulars dt. 27.2.71 and 11.2.82 contained in Annexures No.R-1 and R-2 would itself clarify the position. That the applicant No.2 manipulate the allotment illegally because he was retired from Railway Service w.e.f. 28.2.1987 and without making any request for himself or from Applicant No.1 to the respondent No.3 who is controlling Authority of the Quarter of Cash and Pay's pool, he managed to get the share accommodation order of Railway Quarter No.E/295-B(Type II) at Gonda from the Sr.D.M.E.(Diesel)Gonda on 4.2.87, vide his office order No. या/झिल/आवास/गोडा/86-87, just before 25 days from the date of Retirement(viz.28.2.87) of Applicant No.2. A perusal of order dated 4.2.87, would clearly indicate that applicant no.1 has continuously drawn the house rent Allowance from his date of Appointment i.e. 2.8.86 to 4.2.87 which was subsequently not recovered which is contrary the provisions contained in Railway Board's letters which are being filed herewith as Annexure No.R-1 and R-2 to this reply.

As the allotment so made, is in violation of provisions of the stand in instructions of Railway Board as quoted above. Hence he is not eligible for Railway Quarter in question.

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(XIV). That in reply to the contents of para 4(XIV) of application as stated is not admitted. It is further stated that as far as the sharing accommodation of Applicant No.1 with that of Applicant No.2 (i.e. his father) is concerned, it was also not in the knowledge of Respondent no.3 till the applicant no.2 submitted an application dated 27.3.87 alongwith the order of Sr. P.M.L. (Diesel)/Gonda dated 4.2.87. As regards any other house in possession of Applicant no.1 at Gonda is concerned it is also not known to the office of the Respondent no.3 as he is a railway employee of other department.

(XV). That the contents of para 4(XV) of application is categorically denied. The applicant no.1 does not fulfill the requisite conditions of Share accommodation as laid down in Railway Board's circular letter No.E(G)71G-1-4 dated 27.2.1971 a copy of which is contained in Annexure No.H-1, the extract of the same may be read as under :-

"* In the case of Railway Servant who having been allotted railway accommodation, retires from service or dies in service, his/her son, daughter, wife, husband, father may be allotted railway accommodation on out of turn basis provided that the said relation is a Railway Servant eligible for railway accommodation and had been sharing accommodation with the retiring or deceased Railway servant for atleast six months before the date of retirement or death.

Attention in this connection, is invited to para 4(c) of Board's letter No.PG-66/H.A-1/21 dt.26.7.67, whereby the said relation, who has been sharing accommodation with the retiring or deceased employees are not eligible for house rent Allowance. It should be ensured that "no out of turn" allotment of accommodation is made to any such persons if they have been drawing house rent allowance suppressing

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the fact that they were sharing the accommodation allotted to their father/son/husband/wife.

A further clarification to the aforesaid instruction which is contained in Annexure No.r-2 would further clarify that the applicant no.1 is not fulfilling the requisite mandatory conditions and hence he is not eligible and entitled for getting share accommodation or allotment of accommodation in his favour on out of turn basis.

(XVI). That the contents of para 4(XVI) of application being irrelevant are not admitted. The share accommodation allotment order in favour of the applicant No.1 by the Sr.D.M.L.(Diesel) Gonda dated 4.2.87 itself does not hold good, hence the general principle of allotting railway quarter on turn basis does not arise.

(XVII). That the contents of para 4(XVII) of application is categorically denied and it is stated that both the applicants have manipulated to get the orders dated 4.2.87 passed by Sr.D.M.L.(Diesel)/Gonda, on the following grounds :-

- (a) Both the applicants have themselves acted illegally by not adopting the proper procedure and authority for the allotment of the railway quarter in question within time.
- (b) Before the issue of uncalled for share accommodation order dated 4.2.87 by Sr.D.M.L.(Diesel) Gonda, both the applicants did not disclose to respondent no.3 that the applicant no.1 is residing with applicant no.2 (with his father).
- (c) As per Annexure 'A'-3 to the application it is clear that the applicant no.1 made a request via his application dated 12.9.86 to Sr.D.M.L.(D) Gonda to the effect that he is residing in railway quarter with his father i.e. Applicant no.2 and that he may be allowed to share the accommodation with his father and his payment of house rent allowance may be stopped which itself shows that he was getting house rent allowance at that time.

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(d) As per Railway Board's mandatory orders dated 27.2.71, the applicant no.1 must reside for atleast six month with applicant no.2 in railway quarters in question, before the date of retirement i.e. before 28.2.87. But as per para 4(IV) of this application it is learnt that the applicant no.1 was appointed as Diesel Fitter w.e.f. 2.8.86 and he had also been drawing continuously house rent allowance from the date of his appointment i.e. 2.8.86 and as such to cover the period of six months as per above Railway Board's order the applicant no.1 anyhow manipulates to get the order passed from Sr.D.M.L. (Diesel)/Gonda on 4.2.87, by refunding the entire amount of house rent allowance already drawn from 2.8.86 to 4.2.87 i.e. sum sum to trim hi at bar for enabling him for the share accommodation in railway quarter and all these facts were not brought in the notice of the Respondent no.3, as such there are no sufficient grounds for manipulating the allotment ~~xxx~~ of share accommodation order by applicant no.1. (XVIII). That in reply to the contents of para 4(XVIII) of application it is stated that the settlement dues are paid to the retired employee after submitting the clearance certificate and complete handing over charges to his employer. But in the case of Applicant no.2, he has not submitted so far his clearance certificate to the respondent no.3 through his Sub-Divisional Cashier/Gonda and Divisional Cashier, Lucknow, as he has not still vacated the Railway Quarter No.E/295/B (Type-II) at Gonda in which he is still residing. Besides this ~~xxx~~ all the settlement dues which were earned by the applicant no.2 during his service have already been paid timely without any complaint but the L.C.R.G. payment is not an earned amount of the applicant no.2. It is given to the

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retired employee for good and efficient service, hence D.C.M.G. payment has been detained for non-vacation of the Railway Quarter in terms of Railway Board's letter No.E(G)81(RL-51 dated 24.2.82 reproduced in Railway Board's letter No. E(G)86(RL-2 dated 30.3.88. A copy of letter dated 30.3.88 is being filed herewith as Annexure No.R-5 to this reply.

(XIX). That the contents of para 4(XIV) of application is denied as it is submitted that the order of Respondent no.2 still holds good because Applicant no.2 is still residing in the said railway Quarter and has not vacated so far.

(XX). That the contents of para 4(XX) of application is denied as it is stated that in terms of Railway Board's letter dated 30.3.88 as contained in Annexure No.R-5 to this reply, D.C.M.G. of an employee can be withheld if he does not vacate the railway quarter after his retirement.

(XXI). That the contents of para 4(XXI) of application is denied as it is submitted that the payment of D.C.M.G. of applicant no.2 has been detained because he has not vacated the railway quarter No.L/295/B(Type-II) at Gonda which is still in his possession as he is not submitting his clearance certificate through Sub-Divisional Cashier, N.E.Railway, Gonda in terms of Railway Board's letter No. E(G)81(RL-51 dated 24.4.82 and No.E(G)86(RL-2 dated 30.3.88, inspite of several reminders.

6. That the contents of para 5 of application is completely denied as irrelevant, baseless, confusing, and having no force of law.

7. That the contents of paras 6 and 7 of application do not call for reply.

8. That the applicants are not entitled to claim any such relief from this non-jurisdictional Tribunal.

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9. That in view of above ~~xxx~~ facts the Hon'ble Tribunal's ex-parte order dated 21.3.89 staying the eviction of applicant from the said railway quarter is fit to be set-aside.

10. That the contents of paras 10 to 12 of application do not call for reply.

Gorakhpur
Dated 3rd May, 1989.

Ramw
(Ram Lal)

Respondent No.3

RE. Gorakhpur
C. E. Bld. Gorakhpur

Verifications:

I, the above named respondent do hereby verify that the contents of para 1 of this reply is true on the basis of personal knowledge, and those of paras 2 to 10 of this reply are believed by me to be true on the basis of official records and legal advice.

Gorakhpur
Dated 3rd May, 1989.

Ramw
(Ram Lal)

Respondent no.3

RE. Gorakhpur
C. E. Bld. Gorakhpur

vsl/

In The Central Administrative Tribunal.

(13)

Lucknow Bench; Lucknow.

Registration No 70 of 1989 (L)

Akhilesh Kumar Sharma & others

VS
Union of India & others

ANNEXUR NO R-1

Copy of letter No. E/575/1 Pt. II (IV) S.No. 2042 dated 16/4/71 from GM(P)/
CC to All Heads of Departments and others N.E.Rly.

Sub:- Regularisation of allotment of railway quarters
in the name of a railway servant who retires from
or dies while in service.

Copy of Railway Board's letter No. E(G)71/R1-4 dt. 27/2/71 is forwarded
for information, guidance and necessary action.

Rly. Bd's letters dt. 25/6/66 and 26/7/67 as referred to therein were
circulated vide this office circular no. E/IV/8/1 Pt. I dt. 26/7/66 and No.
E/VI/9/12 Duplicate dated 23/10/67 respectively.

Copy of Railway Board's letter No. E(G)71/R1-4 dated 27/2/1971 addressed
to the General Managers, All Indian Railways & others.

Sub:- Regularisation of allotment of Railway Qrs.
in the name of a railway servant who retires
from or dies while in service.

Reference Board's letter No. E(G)66/R1-11 dt. the 25th June, 1966.

In accordance with the orders contained in their letter referred to
above, in the case of a railway servant who having been allotted railway
accommodation, retires from service or dies in service, his/her son, daughter,
wife, husband or father may be allotted railway accommodation on
out-of-turn basic provided that the said relation is a railway servant eligible
for railway accommodation and had been sharing accommodation with the retiring
or deceased railway servant for at least six months before the date of
retirement or death.

Attention, in this connection, is invited to para 4(C) of Board's letter
No. PG-66/EP 1-1/21 dated the 26th July, 1967, whereby the said relation who has
been sharing accommodation with the retiring or deceased employees are not
eligible for house rent allowance. It should be ensured that no out-of-turn
allotment of accommodation is made to any such persons if they have been drawing
house rent allowance suppressing the fact that they were sharing the
accommodation allotted to their father/son/husband/wife.

No. AD/63/1037/83/

Dated 3.5.71.

Copy forwarded for information and guidance to All Sectional Officer
for Admtr/Emtnagar and All DCOs.

Attested

for F.A. & Chief S/o Officer/AD

for F.A. & Chief S/o Officer/AD

On the Central Administrative Tribunal
LUCKNOW BENCH; LUCKNOW; Registration No. 70 of 1989 (L)

Alhilesh Kumar Sharma & others - v/s Union of India & others
ANNEXURE NO. R-2(A)

Copy of Railway Board's letter No. E(G)78QR1-23
dated 11.2.1982 addressed to the General Manager's
and others.

Sub: Regularisation of allotment of Railway
quarter in the name of dependents of
railway servant to retires from or dies
while in service.

Ref: Reference Railway Board's letter of even
no. dated 19.12.1981.

.....

A point has arisen whether a specified relative
(Son/Daughter/Wife/Husband etc.) sharing accommodation
with the railway servant concerned can refund house rent
allowance claimed by him during the period he was sharing
accommodation with the railway servant concerned, so as
to satisfy the condition of 6 months stay for being
eligible for allotment of railway quarters out of turn.
It is clarified that a specified relative who had been
sharing accommodation with the retiring or deceased employee
was not eligible for house rent allowance and therefore
the question of refunding the house rent allowance does
not arise. If he had drawn house rent allowance suppressing
the facts that he was sharing accommodation with the
concerned railway servant, he will not be eligible for
allotment of railway quarters on out of turn basis in
terms of this Ministry's letter No. E(G)71QR1-4 dated
27.2.1971.

Attested

Ram
Guru Gobind Singh
I.E. M. Sarai

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रुपा 50-138
उमा 1269
रुपा 50-138 (भाग)

एवोल्वर लेवे

कायलिय महाप्रबन्धक (लाभिक)
गोप्यगुरु

दिनांक 25-2-1982

संघी दिव्यांशु, लेवे
संघी मुख्य लेवे प्रबन्धक
संघी कार्यक अधिकारी
एवं लाइटिंग मंडलाधिकारी (स्थापना),
प्रधान राजत,

विषय: - उस रेल कर्मचारी के, जो सेवा निवृत्त हो जाती है अथवा
जिनको सेवा के दौरान पूर्य हो जाती है, आश्रितों के नाम
क्वार्टर के आवटन का विनियमन।

लेवे बोर्ड के दिनांक 11-2-82 के पत्र सं ०८(जी)७८ म्यारा. १-२३ का
पत्र दिनांक 27-२-७१ इष्ट कार्यालय के समस्याक परिपत्र (क्रमांक 2042) दिन १६-२-८१
द्वारा परिचारित हुआ है।

संलग्न दस्तावेज़

दुहो महाप्रबन्धक (लाभिक)

८(जी)७८ म्यारा १-२३ दिनांक 11-2-82 की विविध।

विषय: - उस रेल कर्मचारी के, जो सेवा निवृत्त हो जाती है अथवा
जिसको सेवा के दौरान पूर्य हो जाती है, आश्रितों के नाम
लेवे क्वार्टर के आवटन का विनियमन।

दूसरा रेवे बोर्ड का 19-12-1981 का समन्वयन पत्र दें।

इस प्रश्न उठाया गया है कि क्या सम्बन्धित रेल कर्मचारी के साथ आवास में
रहने वाला निर्दिष्ट संवर्धन (पुत्र/पुत्री, पत्नी/पति आदि) जिन वारी रेवे क्वार्टर के
आवटन के लिए पत्र देने के बारे 6 महीने साथ रहने का शर्त पूरी करने के लिए
सद्वित कर्मचारी के साथ आवास में रहने की अवधि वे दौरान उसके द्वारा लिये गये
मकान किए गए भत्ता की एक वापस का स्वता है यह स्पष्ट किया जाता है कि सेवा
निवृत्त कर्मचारी द्यका अमर्चारी जिसकी मूल्य हो जाती है उसके साथ आवास में रहने
वाला निर्दिष्ट सम्बन्धी मकान किराया भत्ता पाने के हकदार नहीं था, हालांकि मकान
किराया भत्ता लोटाने का प्रत्यक्ष हो नहीं उठता। यदि उसने इस तथ्य का छिपा का छिपा
है तो वह इस मत्रालय के 27-२-७१ के पत्र सं ०८(जी)७८ म्यारा १-४ के अनुसार
जिन वारी के आधार पर रेवे क्वार्टर के आवटन का पात्र नहीं होगा।

दिनांक 19-12-81

टैक्स (क्रमांक २२७) रेवे १३-१-८२

Witnessed

Ram

Editor 25

Editor 25

In The Central Administrative Tribunal

LUCKNOW BENCH, LUCKNOW

Registration No 70 of 1989 (C)

Akhilesh Kumar Sharma & others

Union of India & others

ANNEXURE NO R-3

137/16

16

17

Copy of Railway Board's letter No.1(G)81QR1-51 dated 24.4.82 to
All GMs/ Indian Railways and others.

No 5 :- Unauthorised retention of Rly. Quarters by
retired Railway & staff- Steps to be
taken for vacation of-

On the Rlys. there is an acute shortage of Rly. quarters
for officers & staff. This shortage is further accelerated by
unauthorised retention of the quarters by officers and staff after
their retirement. Eviction proceedings for getting the quarters
vacated, are normally protracted. As a result a large number
of officers and staff is deprived of the privilege of Rly. quarters.
The Ministry of Rlys. have viewed this situation with concern and
have decided that the Rly. Admn. should take the following steps
to discourage unauthorised retention of Rly. quarters by retired
officers and staff :-

- i) No claim certificate should not be given unless the
employee after retirement has vacated the Rly. quarters
and cleared all his arrears of rent, electricity and other
charges etc.
- ii) Settlement dues of the employee should be finalised with
and appropriate 'hold-back' amount from DCRG/Spl. contribution
to PF., as the case may be, for rent recoveries, as permissible
under extant rules.
- iii) For every one month of unauthorised retention of Railway
quarters, one set of post-retirement passes should be disallowed.
A show cause notice to this effect may be issued to the
retired employee before disallowing the pass.

The above stipulations apply to officers/staff occupying
transit flats, Rly. Rest Houses, Rly. Leased houses and Railway
quarters temporarily transferred to Directorate of Estates Pool,
but do not apply to officers and staff occupying houses owned by
the Directorate of Estates.

राष्ट्रया- प्रशासन/स/1037/94/ ६२२

दिनांक 12-7-1982

प्रसिद्धि सूचनार्थ यह आशय कार्यवाही हेतु प्रसिद्धि:-

- 1- खिराड़ लैगाडिकारी/नमणि, सर्वे, पर्वतिर रेलवे, गोरखपुर।
- 2- गोडस लैगाडिकारी, पर्वतिर रेलवे, लालनग, इज्जतनगर, समस्तीपुर, सीनपुर, वाराणसी।
- 3- लालानी लैगाडिकारी, पर्वतिर रेलवे, गोरखपुर, गोरखपुर बाबनी, इज्जतनगर, समस्तीपुर।
दीकामा घाट।
- 4- उहापुर लैगाडिकारी, डी००५०००, पर्वतिर रेलवे, गोरखपुर, इज्जतनगर, समस्तीपुर।
- 5- समस्त लैगाडिकारी, लैगा मुख्यालय, पर्वतिर रेलवे, गोरखपुर।
- 6- उवर लैगाडिकारी, पर्वतिर रेलवे, इज्जतनगर।

Akhilesh

Ram
100
12.7.82

मृते विस्तो सर्व मुख्य लैगाडिकारी, प्रशासन

137/16

18

In The Central Administrative Tribunal,
Lucknow Bench; Lucknow,
Registration No. 70 of 1989 (L)
Anindesh Kumar Sharma & others

Memorandum

ANNEXURE, R-4

J.R.RAILWAY.

OFFICE OF THE CHIEF CASHIER
GCR AKHUR

No. CR/76/20/1/1988

Dt. 20-9-88

The Sr. D.M.B./Diesel,
J.R.Railway
Genl.

Sub: Share Accommodation of Railway Cr. No. 2/295/3(78)

at Gonda or Sri. R. N. Sharma ex. Hq. Cashier/3.

Ref: Your office order No. 23/31/200/1/1988
dt. 4.2.1987.

With reference to above it is intimated that PAGAO

is Rly. Coraikpur has made the following remarks:-

Please ask Sr. D.M.B. who has been allotted the quarter

to a Diesel Pitter.

Please arrange to communicate your views on the above

lines so that the same may be put up to PA & CAO for his information

and necessary orders.

An early reply would be highly appreciated.

Yours

Ramji

Ramji

12

In The Central Administrative Tribunal.

lucknow Bench, Lucknow.

Registration No 70 of 1989 (L)

18

Akhilish Kumar Sharma & another

VS

Union of India & others

APP

Annexure No R-5

203

भारत सरकार, रेलवे बोर्ड के पत्र संख्या 36, क्षेत्र अधिकारी-2 दि 030-3-88 और वाला प्रतिलिपि जो विसमुलेखि सभी भारतीय रेल सर्व अन्य को प्रेषित है।

विषय - सेवानिवृत्त रेल अधिकारियों और कर्मचारियों द्वारा रेलवे क्वार्टरों को अनाविकृत रूप से अपने पास रखे हुए क्वार्टरों की जाली कराने के लिए फिरे गये प्रधास।

उपर्युक्त विषय पर इस मंत्रालय के 24-2-82 के पत्र संख्या 8। क्षेत्र अधिकारी-5। में, यह स्पष्ट दिया गया था कि अधिकारियों और कर्मचारियों के लिए रेलवे के क्वार्टरों की अस्थिरिकता है और अधिकारियों तथा कर्मचारियों द्वारा अनाविकृत रूप से अपने पास क्वार्टर रखे रखने पर यह कमी और भी बढ़ जाती है और क्वार्टर छाती कराने के लिए लंबाती दर्दिश्यों में सामान्यतया दिक्षित हो जाता है। रेलवे निवृत्त अधिकारियों और कर्मचारियों द्वारा रेलवे क्वार्टरों के अनाविकृत क्षेत्रों को समाप्त करने के लिए रेल प्रशासनी वाला प्रशासनी वाला गयी है कि वे निम्नतिजित कदम उठायें : -

- (1) अब तक रेल कर्मचारी क्वार्टर न छाती कर दे और भिराया, बिजली तथा अंधेरा प्रभार आदि उसके सभी बदायों का उपस्थिति कर न दिया गया हो, बिगड़ी प्रवास या पत्र न दिया जाये,
- (2) लंबान निम्नों के अधिकारी यथानुसूये दिराया वसूलियों के लिए कर्मचारियों के पावने को राशि की मृत्यु एवं सेवा निवृत्त उपदान भविष्य निष्ठा से विशेष अंशदान से उपयुक्त "होल बैंक" राशि में से वसूल कर दिया जाये।
- (3) रेलवे क्वार्टरों की अनाविकृत लज्जे को प्रत्येक माह के लिए सेवानिवृत्ति के बाद का पास का रुप शेट अस्थीकृत कर दिया जाये। पास अस्थीकृत करने से पूर्व सेवा निवृत्त कर्मचारी को एक (कारण बतायी) नोटिस जारी किया जाये।

2- इस मंत्रालय के 4-6-83 के पत्र संख्या 8। क्षेत्र अधिकारी-5। पार्ट के अन्तर्गत निम्नति जारी हो रही रुक्ष की गयी थी।

उ- अब इस मंत्रालय के ध्यान में यह लाया गया है कि बहुत से सेवा निवृत्त अधिकारियों और कर्मचारियों को रावर्भारीन पेनल की शर्तों और उनके द्वारा रेल क्वार्टर अनाविकृत क्षेत्रों की पूर्ण प्रतिकार्य की जानकारी नहीं थी। अतः रेल मंत्रालय चाहता है कि उपर्युक्त 24-4-82 और 4-6-83 के पत्रों की विषयवस्तु उनके प्रशासनिक नियंत्रण में आने वाले सभी सम्बन्धित कर्मचारियों जिनमें वे कर्मचारी भी शामिल हैं, जो छुटटी पर हैं, वे बाज में लाने के लिए रेल प्रशासनी द्वारा आवश्यक प्रवास दिये जाये और प्रत्येक लेका निवृत्त अधिकारी एवं कर्मचारी को उनके द्वारा रेलवे आवास के अनाविकृत क्षेत्रों के परिणामों तथा उनके रेलवे गलट आदि में इस विषय पर विधियों/बोर्ड के वर्तमान अनुदेश प्रशासन करने गये जाने जाने जुर्मानी से लगात कराया जाये। इस सम्बन्ध में की गयी कार्रवाई का निष्कर्ष दृप्या इस पत्र के तारीख के एक महीने के भीतर इस मंत्रालय की मैज दिया जाये।

After

Omni

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जारी-2/-

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4- इस मंत्रालय के 30.7.1965 के पत्र झं0ई(जी)83आर.एन.2/6 के पैरा 2 की ओर भी ध्यान दिलाया जाता है जिसमें इस बात पर बल दिया गया है कि अनुमेय अवधि के पूरा हो जाने के बाद सेवा निवृत्त रेल कर्मचारियों तथा मृत कर्मचारियों के परिवार के सदस्यों/कानूनी उत्तराधिकारियों से रेलवे क्वार्टर खाली कराने के लिए बेदजली वार्षिकाइयों पर इस प्रशासनी द्वारा शीघ्र कार्रवाई की जाये जिससे कि रेलवे क्वार्टरों से उनके बेदजल होने तथा बकाया देयों के अंतिम निपटान के मामले में कोई अपरिलार्य देरी न हो। यह सुनिश्चित करने के लिए कि सेवा निवृत्त रेल कर्मचारियों की अनुमेय अवधि व्यतीत हो जाने के बाद रेलवे क्वार्टर से शीघ्र बेदजल कर दिया जाता है, ऐसे प्रशासन द्वारा यथा राज्य सभी भावधारक कदम उठाये जायें।

5- इस सम्बन्ध में बौर्ड के 16.10.87 के पत्र झं0ई(जी)87 क्या.आर.ए.।-। की 200 ओर भी ध्यान दिलाया जाता है जिसमें अन्य बातों के साथ साथ श्री मिलुंज बिहारी भट्टाचार्य तथा अन्य तथा श्री सुभाष चंद्र दत्त एवं अन्य बनाम भारत राज तथा अन्य (जी.सी.208/86 रख 227/86) में केन्द्रीय प्रशासनिक अधिकरण गुवाहाटी पीढ़ के निर्णय और आदेश में की गयी कार्रवाई सूचना एवं मार्गदर्शन हेतु रेल प्रशासनी को पहले ही भेजी जा चुकी है।

6- कृपया इन पत्र की पावती भेजें।

हॉटेल अधिकारी / स्थापना
देस्क रेस्टॉरेंट / बज़ॉर

संज्ञानपृष्ठा/63/1037/83/

/गोरुपर/दिवाली

5-88

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(A73)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(LUCKNOW BENCH), LUCKNOW.

O.A. No. 70 of 1989 (L)

filed today
18/5

Akhilesh Kumar Sharma & others ... Applicants
Versus
Union of India & others ... Respondents.

I N D E X

S.No.	Description of papers	Page No.
1.	Rejoinder Reply	1 - 18
2.	Enclosure No. R-1 Letter dated 10.6.87 issued by respondent No. 3 to Sr. D.M.E.(D) Gonda.	19
3.	Enclosure No. R-2 Reply dated 26.6.87 submitted by Sr. D.M.E.(D) Gonda.	20
4.	Enclosure No. R-3 Letter dated 1.1.88 issued by respondent No. 3 to Sr. D.M.E.(D) Gonda.	21
5.	Enclosure No. R-4 Reply dated 31.1.88/1.2.88 submitted by Sr. D.M.E. (D) Gonda.	22

Lucknow:Dated,
May 18, 1989.

Applicant

R. N. Sharma
18.5.89
R. N. Sharma
18.5.89
R. N. Sharma
18.5.89

(P.T.U)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(LUCKNOW BENCH), LUCKNOW.

O.A. No. 70 of 1989 (L)

Akhilesh Kumar Sharma ... Applicants
and another

Versus.

Union of India & others ... Respondents.

REJOINDER REPLY

I, R.N. Sharma, aged about 60 years S/o
Pt. Jugul Kishore Sharma, Railway Quarter E-295/B,
New Engineering Railway Colony, Gonda do hereby
state as under :-

1. That the ~~the~~ applicant is applicant No. 2 in
the above noted case and he has been authorised by
applicant No. 1 also to submit rejoinder reply in
the above noted case.

2. That with regard to preliminary objection
raised by the respondents in para 2 (A) of their
counter reply, it is respectfully submitted that
the main relief claimed by the applicant No. 1 is
regarding allotment/regularisation of Railway quarter
No. E/295/B New Engineering Railway Colony, Gonda
in his favour in view of Railway Boards circular
letter dated 19.12.1981 contained in enclosure No.
A-13 and further prayer for release of D.C.R.G.
in favour of applicant No. 2 is consequential.

*Reed duplicate
R.N. Sharma
Adv.
24-5-89*

R.N. Sharma

The objection is highly technical wholly unsustainable under the circumstances of the case. Even otherwise also under Rule 4(5) (a) of the Rules the Tribunal may permit more than one person to join together and file a single application if it is satisfied having regard to the case of action and the nature of relief prayed for, that they have a common interest in the matter. The present case after admission will be (deemed to have been governed under Rule 4(5) (a) of the Central Administrative Tribunal (Procedure) Rules, 1987.)

Regarding other objection contained in Para 2(B) of the counter reply it is respectfully submitted that the objection is vague, unsepecific and misconceived. The applicant have challenged the order contained in enclosure No. A-1 alledged to have been passed by Dy. C.A.O. (T) and the order contained in enclosure No. A-2 which has been finally passed by the General Manager deciding the representation of the applicant No. 2 prefined against the order contained in enclosure No. A-1. Since the order contained in enclosure No. A-1 will be deemed to have been merged in the final order passed by respondent No. 2 contained in enclosure No. A-2, the impleadment of Dy. C.A.O. (T) is not necessary when General Manager has already been impleaded as respondent No. 2 who has passed the final order.

R.N. Sharma
3. That with reference to the contents of para 3 of the counter reply it is submitted that

the order passed by Dy. C.A.O. (T) and the General Manager regarding allotment/regularisation of quarter in question and with holding of D.C.R.G. are contained in enclosure No. A-1 and A-2 which are communication letters dated 28.7.1988 and 24.1.1989 issued from the office of F.A. & C.A.O., N.E. Railway, Gorakhpur. Actual orders passed by the above authorities have not been made available to the applicants.

4. That with regard to the facts stated by the respondents in Para 5(1) of the counter reply only this much is disputed and denied that the applicant No. 2 was liable to vacate the Railway quarter w.e. from 28.2.1987. Since the application of applicant No. 2 dated 29.1.1987 submitted to respondent No. 3 stating the facts that applicant No. 1, his son was residing in the said quarter with him and that the applicant No. 1 and 2 do not own or possess any other house at the place of their posting as such the quarter in question may be allotted in the name of applicant No. 1, was pending disposal with respondent No. 3 and the application dated 12.9.1986 contained in enclosure No. A-3 for sharing accommodation with applicant No. 2 moved by applicant No. 1 before Sr. D.M.E.(D) Gonda was also under consideration, as such pending disposal of aforesaid applications, it can not be said that the applicant No. 2 was liable to vacate the Railway quarter. A true copy application dated 29.1.1987 submitted by applicant No. 2 to respondent No. 3 regarding allotment of Railway quarter in the

R. N. Sharma

(P22)

.. 4 ..

name of applicant No. 1 already forms part as enclosure No. A-5 to the application. The respondents have concealed the facts of application dated 29.1.1987

5. That with respect of the contents of para 5 (ii) of the counter reply it is respectfully submitted that it is totally wrong and denied that the applicant No. 2 for the first time submitted application dated 27.3.1987 to respondent No. 3 after a month from the date of his retirement alongwith copy of order dated 4.2.1987 issued from the office of Sr. D.M.E. (D) allowing applicant No. 1 to share 50% accommodation of the said Railway quarter with a request to allot the next 50% accommodation in favour of applicant No. 1 since he has been retired from service w.e.f. from 28.2.1987. As a matter of fact the earlier application of applicant No. 2 dated 23.3.1987 received to respondent No. 3 on 27.3.1987 contained in enclosure No. A-5 was already pending disposal with him while Sr. D.M.E. (D) passed order dated 4.2.1987 allowing applicant No. 1 to share 50% accommodation in the said Railway Quarter with reference to his application dated 12.9.1986 contained in enclosure No. A-3. If the applications dated 12.9.1986, 29.1.1987 submitted by applicants No. 1 and 2 respectively contained in enclosure No. A-3 and A-5 may be perused, it becomes abundantly clear that there was no suppression of any fact and they have requested the concerned authorities for allotment/regularisation of Railway quarter before the date of retirement of applicant No. 2. Since the applicant No. 1 was regularly appointed on 2.8.1986 as

R.N. Sharma

Disel Fitter Grade III in scale of Rs. 950-1500 under Sr. D.M.E. (D) as stated in para 4 (iv) of the application, he became eligible for sharing 50% accommodation with applicant No. 2 as such moved application dated 12.9.1986 contained in enclosure No. A-3 on which Sr. D.M.E. (D) rightly passed order dated 4.2.1987 contained in enclosure No. A-4. The order dated 4.2.1987 was given effect to w.e.f. 2.8.1986 on which date applicant No. 1 was regularly appointed and became eligible to share 50% accommodation in view of Railway Board's circular letter dated 19.12.81 contained in enclosure No. A-13. Since application dated 29.1.1987 contained in enclosure No. A-5 was still undisposed off and in the mean time order dated 4.2.1987 was passed in favour of applicant No. 1 it was necessary for applicant No. 2 to bring the said fact to the notice of respondent No. 3 as such he moved application dated 27.3.1987 alongwith order dated 4.2.1987 before respondent No. 3 and there was nothing wrong with it.

6. That with regard to the contents of para 5(ii) (a) of the counter reply it is stated that all the quarters belong to North Eastern Railway and the alleged pool system has to do nothing with present case. In any case pool system can be applied in normal cases of allotments but not in the cases of ~~ex~~ allotment/regularisation on out of turn basis covered by the provision of Railway Board's circular dated 19.12.1981 contained in enclosure No. A-13.

7. That the contents of para 5(ii) (b) of the

R.N. Sharma

(A7A)

the counter reply are not correct as stated and are denied and in reply it is stated that the respondent No. 3 vide letter dated 10.6.1987 asked the Sr. D.M.E. (D) N.E. Railway, Gonda to inform him the provision under which quarter No. E/295/B was allotted to applicant No. 1 to share 50% accommodation when the said quarter belongs to cash and Pay pool controlled by the respondent No. 3. The Sr. D.M.E. (D) N.E. Railway, Gonda vide his letter dated 26.6.1987 informed the respondent No. 3 that the applicant No. 1 has been rightly allotted quarter No. E/295/B to share accommodation with applicant No. 2 as his case is covered by the provision of Railway Board's circular dated 14.2.1978. He further explained that the diesel fitter also comes in the staff of essential category and the sharing of accommodation was permitted on account of applicant No. 1 being living with applicant No. 2 who is his father. The Sr. D.M.E. (D) Gonda also intimated that in Railway Board's circular there is no provision for giving any quarter in exchange while making order for sharing of accommodation. A true copy of letter dated 10.6.1987 issued by Sr. D.M.E. (D), Gonda are filed herewith as enclosure No. R-1 and R-2 to this a rejoinder reply. That the contents of para 5(ii) (c) of the counter reply are wrong and denied and it is submitted that no illegality was committed by the Sr. D.M.E. (D), Gonda while passing order dated 4.2.1987 contained in enclosure No. A-4 in favour of applicant No. 1. His direction for recovery of house rent allowance w.e.f. 2.8.86 and 50% amount of rent for sharing 50% accommodation

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(P.D.)

under allotment order dated 4.2.1987 are also just and proper. The order of Dy. C.A.O. (T) and the General Manager contained in enclosure No. A-1 and A-2 are illegal and arbitrary and suffer from non application of mind. The applicant No. 1 is legally entitled for regularisation of Railway quarter No. E/295/B in his name in view of Railway Board's circular dated 19.12.1987 contained in enclosure No. A-13 and consequently the applicant No. 2 is also entitled for payment of his D.C.R.G. alongwith interest at the rate of Rs. 12% per annum ~~as~~ far with holding his D.C.R.G. illegally.

8. That regarding the contents of para (i) the position has already been explained in para 3 above and no further reply is needed.

9. That the contents of para (iii) of the counter reply are denied and the contents of para 4 (iii) of the application are reaffirmed as correct. It is further submitted that the Railway Board's letter dated 27.2.1971 and 11.2.1982 filed by the respondents annexure No. R-1 and R-2 are not applicable in the present case in as much as the applicants here in the present case have not suppressed any facts regarding sharing of accommodation. The applicant No. 1 after being regularly appointed as Diesel Fitter CR III w.e.f. 2.8.1986 moved application dated 12.9.1986 to Sr. D.M.E. (D), Gonda for permitting him to share accommodation with applicant No. 2 i.e. his father and similarly the applicant No. 2 also moved application dated 29.1.1987 to respondent No. 3 before the date of his

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retirement. The applicant No. 1 continued to draw house rent allowance simply because orders of ~~app~~ allotment of sharing accommodation could be passed on his application dated 12.9.1986 by the Sr. D.M.E. (D), Gonda on 4.2.1987 and not on account of suppressing the fact regarding sharing of accommodation. The fact of sharing of accommodation was also brought to the notice of respondent No. 3 by applicant No. 2 vide his application dated 29.1.1987 before his retirement.

10. That with reference to the contents of para (iv) of the counter reply it is stated that the fact of regular appointment of applicant No. 1 w.e.f. 2.8.1986 is relevant for the purpose of deducting house rent allowance from him w.e.f. 2.8.1986 under allotment order dated 4.2.1987. Before 2.8.1986 the applicant No. 1 was a trainee and was getting only trainee's allowance and was not a regular employee eligible for allotment order.

11. That the contents of para (v) of the counter reply needs no comments except that the same are vague and misconceived. It is not understood as to what illegal act applicant No. 1 committed in moving application dated 12.9.1986.

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12. That the contents of para (vi) of the counter reply are wrong and baseless and are denied and in reply while reiterating the contents of para 4 (vi) of the application it is respectfully

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submitted that the pool system will be applicable in the normal cases of allotments and not in the cases of out of turn allotments. The Railway Board's circular provides for benefit of allotment/regularisation of Railway quarters out of turn to the specified relations of the retiring Railway servants or the Railway servants due in service. The condition of sharing accommodation with the retiring/deceased Railway servant for allotment/regularisation of the quarter is to be construed liberally taking into consideration. That there can be cases where after acquiring eligibility the period of 6 months may not be completed and the retirement or death of Railway servant can happen and if this condition is to be construed strictly it will frustrate the very purpose of the circular issued by the Railway Board. The benefit of Railway Board's circular would be liable to be extended in all those cases where the specified relation of the retiring/deceased Railway Servant is otherwise eligible for allotment/regularisation of Railway quarter being in Railway service at the relevant time and does not own or possess other house. at the place of his posting irrespective of period of sharing accommodation with the retiring/deceased Railway servant.

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13. That the contents of para (vii) of the counter reply are denied and those of para 4(vii) of the application are reaffirmed as correct. It is wrong to say that the application of applicant No. 2 was without any date. The application was submitted on 29.1.1987 and was duly received in the office of

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respondent No. 3. The Railway Board's circulars dated 27.2.1971 and 19.12.1981 (R-1 and R-2) filed by the respondents are not applicable in the present case. The applicants have not suppressed any facts in the present case.

14. That with reference to the contents of para (viii) of the counter reply it is submitted that earlier also the applicant moved application dated 29.1.1987 contained in enclosure No. A-5 before the respondent No. 3 but when nothing was done on that application he moved application dated 23.3.1987 which was received in the office of respondent No. 3 on 27.3.1987 and the allotment order dated 4.2.1987 passed by Sr. D.M.E. (D), Gonda was also annexed alongwith that application. The applicant No. 2 also submitted reminders dated 20.4.1987 and 2.11.1987. Regarding letter dated 10.6.1987 issued by respondent No. 3 to Sr. D.M.E. (D) Gonda, it is wrong to say that he did not give any reply. The applicant has already filed a true copy of letter dated 10.6.1987 and its reply dated 26.6.1987 as enclosure No. R-1 and R-2 to this rejoinder reply. It is further wrong to say that the Sr. D.M.E. (D) Gonda did not reply the letter respondent No. 3 dated 28.12.1987. The applicant is filing herewith the true copy of letter dated 28.12.1987/1.1.1988 issued by respondent No. 3 to Sr. D.M.E. (D) Gonda and its reply dated 31.1.1988/1.2.1988 as enclosure No. R-3 and R-4 respectively to this rejoinder reply. The respondents have concealed the facts regarding

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submission of replies by the Sr. D.M.E. (D) Gonda to respondent No. 3 with a view to misrepresent this Tribunal about the real situation. The letter of the Railway Board dated 11.2.1982 and 24.4.1982 filed by the respondents alongwith their counter reply (R-3) are not applicable in the present case. The respondents there selves acted illegally in not regularising the quarter in the name of applicant No. 1 and further in with holding the D.C.R.G. of applicant No. 2. The contrary contention of the respondents is false and denied.

15. That with regard to the contents of para (ix) of the counter reply it is respectfully submitted that the contents of para 4 (ix) of the application are correct. The copies of the applications dated 22.7.1987 and reminder dated 10.8.1988 contained in annexure No. A-9 and A-10 were submitted to Sr. D.M.E. (D) Gonda by the applicant No. 1 and it was requested that the full quarter in question may be allotted/regularise in his name and rent w.e.f. 1.3.1987 may be deducted from his salary and respondent No. 3 may be informed accordingly. The applicant No. 1 made similar ~~request~~ request vide annexure No. A-10 to the application.

16. That the contents of para (x) of the counter reply do not call for any explanation because the same order has been referred to by the respondents in para under reply which has been filed by the applicants as enclosure No. A-1 to the application.

17. That with reference to the contents of

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para (xi) and (xii) of the counter reply it is submitted that the respondent No. 2 did not apply his mind while deciding the representation of the applicant dated 17.8.1988 contained in enclosure No. A-11 and passed the impugned order contained in enclosure No. A-2 to the application totally ignoring to take into account the Railway Board's circular dated 4.11.1978 according to which the quarter in question was liable to be regularised in favour of applicant No. 1 ~~and~~ out of turn basis as he was fully illegible for the same. The respondent No. 2 further ~~failed~~ to take into account that the decision of Dy. C.A.O. (T) contained in enclosure No. A-1 was totally an arbitrary decision and was not justified under the circumstances of the case. The applicant No. 1 and 2 well in time applied for allotment/regularisation of the quarter without suppressing any fact and the quarter ~~xx~~ in question was liable to be allotted/regularised in the name of applicant No. 1 in view of Railway Board's orders issued on the subject. The Dy. C.A.O. (T) and the General Manager wrongly dealt with the case of the applicants as if it was a case of normal allotment ~~where~~ ^{as} pool system is made applicable. It is also important to state that from the impugned orders contained in enclosure No. A-1 and A-2 it is not clear as to what manipulations or illegalities were committed by the applicants in getting the Railway quarter allotted/regularised. So far as the question of reply by the Sr. D.M.E. (D) Gonda in response to letter dated 20/29.9.1988 which is said to be still awaited is concerned it is pointed out that he had

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already explained his position vide letter dated 26.6.1987 contained in enclosure No. R-2 and R-4 respectively to this rejoinder reply. According to him he was fully competent to allot the quarter in favour of applicant No. 1 in view of Railway Board's circular letters issued from time to time.

18. That the contents of para (xiii) of the counter reply are wrong and denied and in reply the contents of para 4 (xiii) of the application are reaffirmed as correct. The applicant No. 1 is fully eligible for allotment/regularisation of the quarter in his name in view of Railway Board's order contained in enclosure No. A-13 to the application. The other circular letters referred to by the respondents and filed by them alongwith their counter reply are not applicable in the present case as applicants have already moved applications before the date of retirement for allotment/regularisation of Rly. quarter in favour of applicant No. 1 and they have not suppressed any facts in any manner whatsoever. The respondents have vaguely levelled allegations of manipulation against the applicants but have not been able to point out any specific act of manipulations. The order dated 4.2.1987 passed by Sr. D.M.E. (D) Gonda contained in enclosure No. A-4 is absolutely legal and valid order and all allegations against it pointed out by the respondents are wholly baseless and unsustainable in law. It is further pointed out that the pool system on which respondents have laid much stress is not applicable with reference to allotment/regularisation of Railway quarter in pursuance to Railway Board's

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circular contained in enclosure No. A-13 which provides for allotment/regularisation on out of turn basis. to the specified relations of the retiring/deceased Railway servant.

19. That the contents of para (xiv) of the counter reply are false and denied and in reply it is stated that the applicant No. 2 after passing of order dated 4.2.1987 in favour of applicant No. 1 informed the respondent No. 3 vide his application dated 27.3.1987 enclosing the copy of order dated 4.2.1987. The applicant No. 2 in his application dated 29.1.1987 duly received in the office of respondent No. 3 clearly stated that applicant No. 1 has been residing with him since March, 1985 and applicant No. 1 and No. 2 do not own or possess any other house at Gonda as such it is wrong to alleged that the respondent No. 3 does not know whether applicants possess any other house at Gonda or not.

20. That the contents of para (xv) of the counter reply are emphatically denied and while reiterating the contents of para 4 (xv) of the application it is respectfully submitted that the applicant No. 1 was/is fully eligible for allotment/regularisation of Railway quarter No. E/295/B New Engineering colony Gonda of which 50% accommodation he was already sharing under allotment order dated 4.2.1987 passed by Sr. D.M.E. (D) Gonda who is was his controlling and competent authority to allot/regularise the said quarter in his name on out of turn basis in view of

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Railway Board's circular contained in enclosure No. A-13. Since the applicant No. 1 was regularly appointed diesal as/fitter in scale Rs. 950-1500 w.e.f. 2.8.1986 the order for sharing 50% accommodation could have been passed only from the date 2.8.1986 and not prior to that date because he was not eligible for allotment being only a trainee before that date. (The condition of sharing accommodation with the retiring or deceased Railway servant is to be construed liberally so as to give effect to the Railway Board's circular and not strictly keeping in view the aim and real spirit of the said circular. If the condition of sharing accommodation with the retiring/deceased Railway servant is taken to be mandatory, there will be cases in which the specified relation might have not completed six months period of sharing accommodation with the retiring/deceased Railway servant and retirement/death would have taken place with the result the quarter in question cannot be allotted/regularised in his name and in that event the whole purpose of the circular will stand frustrated.) Thus the applicant No. 1 is fully eligible and entitled for allotment/regularisation of the quarter in question ~~if~~ in his name. The other circular of the Railway Board referred to by the respondents are not applicable in the present case as the applicable in the present case as the applicants have not suppressed any facts or material or drawn house rent allowance by mis representation.

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21. That the contents of para (xvi) of the counter reply are denied and those of para 4(xvi) of the application are reaffirmed as correct. The order dated 4.2.1987 passed by Sr. D.M.E. (D) Gonda is

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absolutely legal and valid and there is no infirmity about it. The case of the applicants for allotment would not be governed by the general rules but it would be governed on out of turn basis.

22. That the contents of para (xvii) (a) (b) (c) (d) are wrong and denied and in reply the contents of para 4 (xvii) of the application are reaffirmed as correct. The applicants have already explained the points raised by the respondents in para under reply. Both the applicants moved applications dated 12.9.1986 and 29.1.1987 much before the date of retirement i.e. 28.2.1987. The applicant No. 1 applied for sharing accommodation on 12.9.1986 and it is but natural that he would continue to draw house rent allowance till orders for sharing accommodation would not be passed, but he would not be guilty of suppression of any fact or material rendering him incapable of claiming benefit of regularisation of Railway quarter in terms of Railway Board's circular letter contained in Annexure No. A-13.

23. That with regard to the contents of para (xviii) of the counter reply it is stated that the amount of D.C.R.G. also becomes due and payable to a retiring Railway servant as soon as he is retired from service and the same can not be withheld after his retirement. The Railway authorities have no right to withhold the amount of D.C.R.G. if a Railway servant after his retirement does not vacate the Railway quarter pending disposal the case of regularisation of that quarter, in name of his son in view of Railway Board's circular letter issued for the purpose. In case the authorities want eviction of the retired Railway servant they have the remedy to proceed against him under the

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provisions of Public Premises (eviction of unauthorised occupants) Act 1971 and the rules made there under. If his occupation is determined to be unauthorised. The act of respondents in with holding the D.C.R.G. amount is wholly arbitrary and against the principle of natural justice and the amount in question is liable to be released and the respondents are under legal obligation to pay market rate interest to the applicant for the period in which D.C.R.G. amount remained with held. The circular letters referred to by the respondents issued by the Railway Board are not applicable in the present case.

24. That the contents of para (xix) of the counter reply are wrong and denied and it is stated that the orders of respondent No. 2 are factually wrong and legally untenable.

25. That the contents of para (xx) of the counter reply are denied and while reitratting the contents of para 4 (xx) of the application it is respectfully submitted that the circular letters referred to by the respondents in para under reply are not applicable in the present case.

26. That the contents of para (xxi) of the counter reply are denied and it is stated that he is ready to give undertaken that in case the quarter in question is not regularised in favour of his son in view of Railway Board's orders issued on the subject after decision by this Tribunal he would vacate the quarter and pay legal rent admissible in law to the Railway after the date of his retire-

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ment till the quarter is vacated by him and on this undertaking his D.C.R.G. amount is liable to be released to him.

27. That the contents of para 6 of the counter reply are denied and those of para 5 of the application are reaffirmed as correct and tenable in law.

28. That the contents of para 8 and 9 of the counter reply are denied and it is stated that the applicants are entitled to be granted the relief prayed for by them in para 8 of the application.

29. That apart from the above the applicants are giving the particulars of two cases of allotment/regularisation of Railway quarters in favour of specified relations of the retiring Railway servants under the provisions of Railway Board's circular contained in enclosure No. A-13 on out of turn basis although in these cases the specified relations had no order of sharing accommodation with the retiring Railway servants even for a day. The first case is of Mr. G.P. Nigam who was employed as Divisional Cashier under respondent No. 3 and retired from service w.e.f. 31.8.1985. He was in occupation of Railway quarter No. 557-D, Railway colony Bichhiya, Gorakhpur. His daughter Km. Manja Nigam was appointed as staff Nurse in Railway Central Hospital, Gorakhpur on 2.9.1985 after the retirement of her father.

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She applied for allotment/regularisation of the aforesaid quarter on out of turn basis in view of Railway Board's circular contained in Annexure No. A-13 and the same was regularised in her name. In this case the condition of sharing accommodation with the retiring Railway servant i.e. her father for 6 months was not construed strictly and the quarter in question was regularised in her name. The second case is of Mr. Madan Pal who was also employed as Remittance Cashier under respondent No. 3 and was allotted Railway quarter No. 557 (L) Railway Colony Bichhiya, Gorakhpur. His retirement from service was due in September, 1981. His son Subhash Kaul got appointment in N.E. Railway Press at Gorakhpur on 19.11.1979 as Litho Artist. Before the date of retirement Mr. Madan Pal applied to respondent No. 3 for orders for sharing accommodation and ultimately Mr. Madan Pal retired from service in September, 1981. His D.C.R.G. was withheld for not vacating the Railway quarter, subsequently Subhash Kaul being eligible for regularisation of Railway quarter in terms of Railway Board's order contained in Enclosure No. A-13 applied to the press authorities and the said Railway quarter was regularised by the press authorities in his name in September, 1983. Consequently the D.C.R.G. of Mr. Madan Pal was

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also released. Thus, from the above it is clear that the quarter in question can be regularised in the name of applicant No. 1 and the condition of sharing accommodation for 6 months is not mandatory and has to be viewed liberally.

Lucknow:Dated,
May 18, 1989 .

R. N. Sharma
Applicant No. 2

VERIFICATION

I, the above named applicant No. 2 on his own behalf and on behalf of applicant No. 1 verify that the contents of para 1 to 29 except bracketed portions of para 2 and 20 are true to my own knowledge and those of bracketed portions of para 2 and 20 are believed by me to be true on the basis of legal advice.

Lucknow:Dated,
May 18, 1989 .

R. N. Sharma
Applicant No. 2

(Ran)

सम्राट केन्द्रीय ग्रामीण अधिकरण : लखनऊ पैन्च : लखनऊ ।

ग्रौ ०४० तिं ७० आफ १९८९ । एल।

अद्वितीय कुमार शमर्ज तथा अन्य

वादी

बनाम

मूर्मियन आफ हॉडिया तथा अन्य

ग्रामीणादीगण

संलग्नक तिं ० आर-।

पूर्वोत्तर रेलवे

तिं ० ती पी/७६/२०/१/२००

विं ०८०४८८५ मु० लेखाधिकारी
पूर्वोत्तर रेलवे, गोरखपुर ।

दिनांक १०-६-१९८७

ग्रामीणादीगण अभ्यन्ताडीजल।
पूर्वोत्तर रेलवे, गोण्डा ।

विषय:-

श्री रामीनवास शमर्ज भूतपूर्व ग्रामीण लोधी गोण्डा
के रेल आवास सं० ३० इ/२९८/दी टाइप-।।। का भागी-
दारी आवृत्तन के सम्बन्ध में ।

हंदी :-

आपका कृपयालय आदेश पत्र सं० पा/डीजल/आवास/८६-
८७ दिनांक ४-२-१९८७ ।

श्री रामीनवास शमर्ज भूतपूर्व ग्रामीण लोधी गोण्डा ने अपने
ग्रामीणादीगण दिनांक २७-३-१९८७ के साथ, आपके संदीभूत कार्यालय आदेश
पत्र की एक ग्रामीणादीगण करते हुये यह आग्रह किया है कि उनके प्रेतात्म
उक्त आवास उनके द्वारा श्री अद्वितीय कुमार शमर्ज जो आपके प्राचुर्यालय
डीजल फिटर ग्रेड-।।। में है पूर्ण स्वयं सं० उप सं० सं० ग्रामीणादीगण
पर आपको यह स्वीचित किया जाता है कि सं० सं० सं० उप सं० सं० ग्रामीणादीगण
गोरखपुर से आवौटत होते हैं क्योंकि ये सभी आवास मुख्य लोधी धारी
गोरखपुर व्यारा नियन्त्रित होते हैं । अतः आपके व्यारा उक्त आवास
का भागीदारी आवृत्तन विं अधिकार के अन्तर्गत किया गया है, कृपया
अवगत कराहें जिससे इस विषय पर पुनः विचार किया जा सके ।

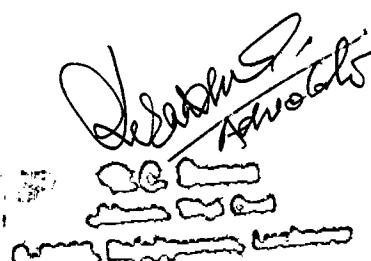
इस सम्बन्ध में यह भी स्पष्ट है कि व्यारा उल्लिखित आवास के
व्यारे अन्य आवास गोण्डा के लोधी धारी को आवौटत करने के लिये आपके
पास उपलब्ध हैं ।

अतः आप कृपया यह भी स्वीचित करें कि क्या उल्लिखित आवास के
व्यारे अन्य आवास गोण्डा के लोधी धारी को आवौटत करने के लिये आपके
पास उपलब्ध हैं ।

कृपया इस पत्र का पाकती स्वीचार करें ।

दू० रामलाल १०/६
मुख्य लोधी धारी ।

TRUE COPY
ATTTESTED


R.N. Shrivastava

R.N. Shrivastava

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स्मारक माननीय फैन्ड्रीय ग्रामीण अधिकारी : लखनऊ पैन्चः, लखनऊ ।

ओ०८० नं० ७० आप १९८९ । सल।

अधिकारी श्रीमार शार्मा तथा अन्य

वाटी

श्रीनिवास आप निडिया तथा अन्य

ग्रामीणवाटी

सुलग्नक सं० आर-२

पूर्वोत्तर रेलवे

सं० पा/डीजल/आवास/गोणडा/
गोणडा/८६

श्रीनिवास श्रीनिवास

मुख्य नोब्युरिकारी, लायलिय
पूर्वोत्तर रेलवे/गोणडा डीजल/गोणडा

कायलिय
दिनांक २६-६-८७

विषय:-

श्री रामनिवास शार्मा ग्रामीण ग्रामीण व्यापारी/गोणडा
के रेल आवास सं० ई-२९५/पी/टाइप-।। का भागीदार
आवास के सम्बन्ध में ।

संदर्भ:-

आपका पत्र सं० सी०टी/१६/२०/।/२०० । दिनांक
१०-६-८७

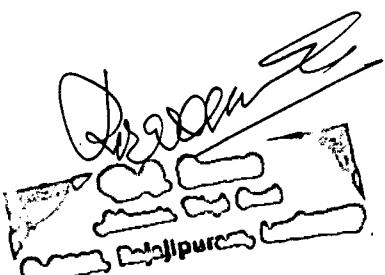
उपरोक्त संदर्भ में यह स्वीकृत किया जाता है कि इस
कायलिय के कायलिय आदेश सं० पा/डीजल/आवास/८६-८७ । दिनांक
४-२-८७ द्वारा श्री रामनिवास शार्मा ग्रामीण व्यापारी का रेल आवास
सं० ई/२९५/पी टाइप-।। का भागीदारी आवास उनके ही पुत्र प्री
ग्नेश श्रीमार शार्मा फिटर ब्रेड-।। को किया गया है । यह रेल पी-
टांड के पीरपत्र सं० ई/५७५/२/भाग-५ । यारा । दिनांक ।४-२-८८ के
आधार पर किया गया था । डीजल फिटर ब्रेड-।। भी अनिवार भ्रेणी
के अनुरूप आते हैं । भागीदारी का आवास पिता के साथ पुत्र के साथ
रहने के कारण किया गया था ।

उपरोक्त बोर्ड के पीरपत्र में आवैटित आवास के बदले
आवास देने का बोर्ड ग्रामीणधान नहीं है ।

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६/०

कृते ग्रामीण व्यापारी अधिकारी । डीजल।



R.N. Sharmin

४७६

समय मासिनीय केन्द्रीय ग्रामीण अधिकारण : लखनऊ बैन्चः, लखनऊ
ओ०८० नं० ७० आप १९८९। इला।

अखिलेश कुमार शार्मा द्वाया अन्य --- वादी

बनाम

प्रीनिधन आए होंडिया तथा अन्य --- ग्रामीणादीगण

संलग्नक सं० आर-३

पूर्वोत्तर रेलवे

पत्र सं० ती०पी०/७६/२०१/।
सेवा में,

अधिकारी सं० भाग्यलक्ष्मी/गोण्डा
गोरखपुर दिनांक २८-१२-८७

।-।-८८

ग्रामीण यान्त्रिक अभियन्ता। डीजिल।
पूर्वोत्तर रेलवे गोण्डा

विषय श्री रामरेणवास शार्मा भूतपूर्व ग्रामीण लजान्ची/गोण्डा के
रेल आवास सं० ई/२९५/वी। टाइप-।।। ला भाषीदारी
आवास के सम्बन्ध में।

संदर्भ :- श्रापकृष्ण पत्र सं० या/डीजिल/आवास/गोण्डा/गोण्डा/८६
दिनांक २६-६-८७

आपके संदर्भका पत्र के संर्वेष्ट लेखाधिकारी। याताया
जा निर्णय निम्नलिखित स्पष्ट से उद्धत किया जाता है।

ग्रामीण यान्त्रिक अभियन्ता। डीजिल। गोण्डा को उनके
द्वारा पूर्व उल्लिखित ग्रामीण आवास के पदले अन्य आवास गोण्डा
स्थित लजान्ची के लिये देना चाहिए। यदि इस समय आवास उपलब्ध न
हो तो भीविष्य में उल्लिखित आवास के पदले एक आवास देने का बद्यन
लिखित स्पष्ट से देना होगा। यदि वह इस तर्फ को मान्यता नहीं देते हैं तो
उनके द्वारा आमंत्रित का कार्यालय आदेश सं० या/डीजिल/आवास/गोण्डा/
गोण्डा-८६-८७ दिनांक ४-२-८७ को निरस्त कर दिया जायेगा और
श्री रामरेणवास शार्मा भूतपूर्व ग्रामीण लजान्ची को रेल आवास सं० ई/२९५/
वी। टाइप-।।। लो रिक्त करना होगा ताकि उनको सेवानिष्टत्व के
पर बात देय करायी जा सके।

कृपया अवगत हो तथा इस संर्वेष्ट में सुचित कार्यवाही
अद्योहस्तानकी को सुचित करने का कष्ट करें।

TRUE COPY
ATTESTED

R.N. Sharma
C. 1988

८/० राम लाल,
१-१-८८
मुख्य कार्याधारी।

समर्था माननीय केन्द्रीय ग्रामातीनक अधिकारण : लखनऊ पेन्च : लखनऊ ।

ओष्ठ० नं० 70 आक 1989। एल।

तथा
अद्वितीय कुमार शर्मा/अन्य

वादी

स्वीकार आप हीड़या तथा अन्य

ग्रामिकादीगण

सुलग्नक सं० आर-४

=====

पुर्वोत्तर रेलवे

सं० या/डीजल/आवास/358/भाग-1।

कार्यालय

मुख्य कोष्टाधारी,
पुर्वोत्तर रेलवे, गोरखपुर।

ग्र० सं० या० अ० डीजल। गोण्डा
दिनांक 31-1-88/1-2-88

विषयः -

प्री रामीनवास शर्मा भूतपूर्व ग्रामिकान्धी/गोण्डा के रेलवे
ग्रामात सं० है/295/पी/टॉडप-1। का भागीदारी आवंतन
के सम्बन्ध में।

संदर्भ :-

आपका पत्र सं० सी०पी०/76/20/1/1 दिनांक 1-1-88
आपका पत्र सं० सी०पी०/76/20/2/200 दिनांक 10-6-87 के
संदर्भ में इस कार्यालय के पत्र सं० या/डीजल/आवास/358/86 दिनांक 26-6-87
द्वारा यह स्पष्ट कर दिया गया था कि रेल परिवहन के पत्र सं० है/575/2/
भाग-5। । दिनांक 14-2-78 आधार पर भागीदारी का आवंतन प्रियता के
साथ पुनर के रहने के कारण किया गया था। द्वातेरे विभाग के त्रिलोक में डीजल
शोड के आवास भी ग्रामिकात वहां कम है। इस सम्बन्ध में संदर्भ आवास सीमित
लखनऊ की बैठक दिनांक 24-8-87 मद सं० 7 इस विषय पर यह निर्णय लिया
गया है।

इस विषय में यह भी निर्णय लिया गया है कि जो कर्मचारी अन्य
विभागों से या लोकों या निकला। विभाग से डीजल शोड में स्थानान्तरण पर
आये हैं उन्हें जो आवास आवंतित था वह आवास अब डीजल शोड पूल जा हो
जायेगा और इस प्रकार भविष्य में यह परम्परा लागू की जायेगी कि जिस
विभाग का कर्मचारी डीजल शोड में आयेगा और यदि उसके पास रेलवे आवास
है तो उक्त आवास डीजल शोड के पूल में मान लिया जायेगा।

इस विषय पर यह निर्णय लिया गया है कि अन्य विभागों के आवास
की भी जूँच की जाय और जिनके अनावश्यक कर्मचारीयों के पास 25 ग्रामिकात
से अधिक आवास है ऐसी विधि में जैसे जैसे आवास खाली होते जोयें, वे
आवास डीजल शोड के पूल में मान लिये जायें। ऐसी विधि में यदि निष्ठ
भविष्य में डीजल शोड की आवासीय विधि सुधरने के बाट कुछ आवास निर्माण
कर हृजीनियतिंग विभाग द्वारा डीजल शोड को स्थानान्तरित किये जायें तो
उनमें से अपेक्षित विभाग को इस आवास के स्थान पर सक आवास देने पर विधार
किया जायेगा।

हस्ताक्षर ---
ग्रामिकात या निकल अधिकारी/डीजल
गोण्डा।

R.N.Sharma

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,
LUCKNOW

Regn. No. OA-70 of 1989(L)

Shri Akhilesh Kumar Sharma & another ... Applicants.

v/s

Union of India and others. Respondents.

SUPPLEMENTARY COUNTER REPLY ON
BEHALF OF RESPONDENTS IN REPLY
TO THE APPLICANT'S REJOINDER
REPLY: -

I, Ram Lal aged 57 years working as Chief Cashier,
North Eastern Railway, Gorakhpur do hereby state as under:-

1. That the above named official is impleaded as Respondent No. 3 in the present application and as such he is fully conversant with the facts and circumstances of the case, and has been authorised by other Respondents to file this Supplementary Counter Reply.
2. That the contents of para 1 of the Rejoinder Reply need no comments.
3. That the contents of para 2 of Rejoinder Reply is denied and those of para 2 of counter reply is re-affirmed.
4. That the contents of para 3 of Rejoinder Reply are not disputed in so far as Annexure A-1 and A-2 of this Counter Reply are concerned.

(CONT'D)

(AP)

(2)

5. That in respect of contents of para 4 of the Rejoinder Reply, it is submitted that the applicant No.2 has alleged to have submitted an application dt. 29.1.1987 but by inspection it is revealed that the said application did not bear any date. Secondly the request of Applicant no.2 for allotment of his quarter in the name of his son viz. Applicant No.1 was not at all proper, because the Applicant No.1 should have moved his application duly consented from his father (Sri R.N. Sharma) and duly forwarded from his employer (viz. Sr. Divisional Mechanical Engineer (Diesel) N.E. Railway/Gonda) to the Respondent No.3 (Viz. The Chief Cashier/N.E. Railway/Gorakhpur) who is the controlling officer for allotment of Railway Quarter of Cash and Pay's Pool. As the applicant no.1 did not come forward with such proper request within reasonable time viz. atleast six months before the date of Retirement of the applicant no.2, in favour of Applicant no.1, to the Respondent No.3 was improper so far as the allotment of quarter is concerned. It is further pointed out that Applicant No.2 vide his undated application, allowed his employed son, Applicant no.1 to reside in his quarter without proper and prior permission from the competent authority viz. Respondent no.3 and that the matter is under the purview of sub-letting the quarter by the Applicant no.2. This tantamounts to a great offence in terms of Railway Servants (Conduct) Rules. The act of

(CONT'D)

Rau

(3)

(A167)

processing to get share accommodation of Railway quarter by Applicant no.1 and 2, from the Sr. Divisional Mechanical Engineer(Diesel)/Gonda, without information and prior permission from Chief Cashier, the controlling officer of the quarter of Cash & Pay's pool is fully objectionable and un lawfull. The office order dated 4.2.1987 since got issued from the Sr. Divisional Mechanical Engineer (Diesel)/N.E. Railway/Gonda by the applicant no.1 and 2 was not in accordance with the instructions laid down in Railway Board's letter dated 11.2.1982 read with dated 19.12.1981 and dated 27.2.1971, vide Annexure R-2 of the counter reply. The action of the said application has also been explained above, as well as at para 4(vii) of the counter reply. A photo copy of said undated application is being filed herewith as Annexure No. SC-1.

6. That the contents of paras 5 to 28 of the Rejoinder Reply, so far it is contrary to the respective averments made in the counter reply, is denied and those of respective paras 4 to 9 of the counter reply is re-affirmed as correct.

7. That the contents of para 29 of Rejoinder Reply, are not admitted as stated. The true facts in respect of the same has been cleverly concealed from this Hon'ble Tribunal. Actually no Railway Quarter has ever been allotted to Shri Subhas Kaul as alleged. One Railway Quarter of Cash & Pay's pool was allotted to Sri S.C.Paul, Photo-stat Operator of Press Deptt. s/o Sri Madan Mohan Paul Ex-Remittance Cashier, only on the pre-agreement that the Press Deptt. will

(CONT'D)

Hand

(4)

duly transfer a Railway Quarter of their pool to the Cash & Pay's pool, in lieu thereof. A photo copy of the said transfer order dated 19/21.3.1984 of Railway Quarter, in lieu thereof, is being filed herewith as Annexure No. SC-2. However, it may also be pointed out that the D.C.R.G. of Shri M.M.Paul was also withheld and panel rent of the said quarter was also recovered from him during the period of his illegal retention of the said Railway Quarter i.e. before the allotment of said quarter in his son's name viz. Shri S.C.Paul.

Similarly Km. Manjoo Nigam d/o Sri G.P.Nigam was also allotted Railway Quarter on pre-condition that one of the Railway Quarter of her department, will be transferred to the concerned department, in lieu thereof.

Gorakhpur:
Dated 9.8.1989.

Ram
(RAM LAL) 9.8.89
RESPONDENT NO.3

Verification:

I, Ram Lal, Chief Cashier, N.E. Railway, Gorakhpur (Respd. No. 3) do hereby verify that the contents of para 3 of this Reply is true on the basis of personal knowledge and those of para 2 to 7 of this reply are believed by me to be true on the basis of official records and legal advice.

Gorakhpur:
Dated 9.8.1989.

Ram
(RAM LAL) 9.8.89
RESPONDENT NO.3

• Akhilash Kumar Sharma & others: VS Union of India & Ors
देवगढ़ ज. ANNEXA

ANNEXURE NO SC:1

मुख्य कोपी गांधीजीर्ण
गूबर्णीत्तर रेत्तमे, गोरुष्टाम ।

AlO₂

किंतु:- देवदेव प्राचीन सं. १२९५ वी दाढ़ा ॥ मे ऐसे युवतीतिरे
कुमार इग्नॉ के रहने की सूचना ।

संस्कृत

निवेदन है कि ग्रामी रेनमे आवास एंड ई/295 धी डामा ॥
 न्यू इंडियन रेंग रेनमे जल्ली गोहेहा मैं रह रहा है जो कि ग्रामी
 है नाम से आरम्भित है। ग्रामी दा दा, अपैलेहा कुमार शार्मा जै कि
 टीजा रोह गोहेहा मैं भावं ४५ मैं अस्त ४५ ना टीजा देखा भिन्ना ४५
 पर पर देनमान १५५-१५३६ कावरा है बहिलेहा कुमार ५८५-५८५
 से ५८५ मेरे साथ आवास मैं रह रहे हैं। ग्रामी प्रत्यक्ष ग्रामी के आवास
 के लिये गारुप के नाम उसको लेन-गी के स्थान पर जिसी अस्तम्भ
 नहीं है। अतः की अस्तित्वलेक्षण कुमार शर्मा के नाम रेलवे आवास आवास
 करने की कृपा करें। बाह्यक लाई इवए मुक्तनार्थ देवेति ।

✓ रामानन्दाल शास्त्री
॥ राम निवास राम ॥

उच्च छांगी
पुत्रांतर रेखा, गोपी

तरितिनि आन्द्रेज वार्डवालो द्येत द्यावर्तीः—

1- युवराजाना के, एमिलियो, यूवराजाना रेन्ने, नहान्नु ।
 2- गुहात हंसानी यूवराजाना रेन्ने, नहान्नु ।

四庫全書

१ राज भित्ति राज
पुर ह जानी
त्रिपुर रेनखे, गोपी

True Copy Attested

Ram

9.8-829

Akhilesh Kumar Sharma & others VS Union of India & others
ANNEXURE NO SC-2

NORTH EASTERN RAILWAY

H.R.Chandrasekara
S.P.S.

OFFICE OF THE
SUPDT. PRINTING & STRY.
GORAKHPUR.

D.O. No. SPS/20-Genl/Pt.VII

Dated 19.3.1984. *21* *AIOB3*

My dear Dhar,

Sub:- Regularisation of Railway quarter
No.557/L Type II at Bichhia Rly. Colony
Gorakhpur and provision of one Type II
quarter in lieu of 557/L to Cash & Pay
Office/Gorakhpur.

16/C Ref: Your D.O. letter No.CP/26/20-1 Pt.II/1104
dated 13.12.83 followed by subsequent
reminder of even no. dated 30.1.84.

.....

The Railway Qr.No.689/E type II situated in Krishna
Nagar Colony, Gorakhpur is transferred to your pool from
the Press pool in lieu of Qr.No.557/L Type II which has
been allotted to Shri S.C.Paul, Photo Stat Operator of
the Press.

With best wishes,

Yours sincerely,

H.R.C
(H.R.Chandrasekara)

Shri Vidya Dhar,
Chief Cashier,
N.E.Railway/Gorakhpur.

Copy forwarded for information & necessary action to:-

1. TEN/NER/GKP.
2. AEE/Colony/GKP.
3. IOW(North)/N.E.Railway, Gorakhpur.
4. FA & CAO/ENCA/N.E.Rly.Gorakhpur.
5. OS/E, N.E.Railway/Gorakhpur, Press.

Supdt. Printing & Stry.

True Copy Attested

Ramnath
21/3/84
R.B. Bhat

3
H.C.L

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH, LUCKNOW.

O.A.No. 70 of 1989 (L)

Akhilesh Kumar Sharma & ... Applicants.
others.

Versus.

Union of India & others ... Respondents.

SUPPLEMENTARY REJOINDER REPLY TO THE
SUPPLEMENTARY COUNTER REPLY FILED ON
BEHALF OF RESPONDENTS.

I, R.N. Sharma, aged about 60 years, son of
Pt. Jugul Kishore Sharma, resident of Railway
Quarter No. 295/B, New Engineering Railway Colony,
Gonda, do hereby solemnly affirm and state on oath
as under :-

*Filed duplicate
and G. V. Vastava
7-9-89*

1. That the applicant is the applicant No. 2 in the above noted case and he is well conversant with the facts deposed to hereunder.
2. That the contents of para No. 3 of the Supplementary Counter reply are denied and those of para 2 of the rejoinder reply are reaffirmed as correct.
3. That the contents of para 5 of the Supplementary Counter reply are denied and in reply the contents of para 4 of the rejoinder reply are reaffirmed as correct. It is totally wrong to say that the application moved by the applicant No. 2

R.N. Sharma

Ans

and contained in enclosure No. A-5 for allotment of quarter in favour of his son i.e. applicant No. 1 does not bear any date. It is further submitted that the application in question was given to Smt. Shanti, the concerned clerk in the office of Chief Cashier, N.E. Railway, Gorakhpur and her signatures were obtained in token of receipt of said application on 29.1.1987 on the duplicate copy still available with the applicants. Smt. Shanti is still in employment and is posted as head clerk in the same office. Further contention of respondents with regard to the procedure adopted by the applicants in moving application for allotment, is of no significance in as much as the applicant No. 1 was legally entitled for allotment/regularisation of the quarter in question in his favour on out of turn basis in view of Railway Board's circular letter dated 19.12.1981 contained in enclosure No. A-13 to the application. In such cases the normal procedure and rules are not applied and it is to be taken into account whether the concerned incumbent is actually eligible and entitled for allotment/regularisation of the quarter in question or not. In the present case if the entire circumstances are taken into account it is fully established that the applicant No. 1 was quite eligible for allotment/regularisation of Railway quarter in his favour. So far as the question of pool system and transfer of one quarter in lieu of quarter allotted in favour of applicant No. 1 by the Senior Divisional Mechanical Engineer (Diesel), Gonda, is concerned, it is the matter in between the authorities and still one quarter can

R. N. Shanti

be transferred to the pool of cash and pay department, but even if it is for any reason not practicable at present, the applicant No. 1 can not be deprived of his right for allotment/regularisation of Railway quarter in his favour for which he is legally entitled in view of Railway Board's circular letter dated 19.12.1981 contained in enclosure No. A-13. It would not be out of place to submit here that the Railway Authorities in other cases of allotment/regularisation of Railway quarters to the son's/daughter's of the retiring/deceased Railway servants totally waived/condoned the normal procedure and technicalities and allotted/regularised quarters in their favour but in the case of applicant No. 1 unnecessary and futile objections are being raised in the matter of allotment/regularisation of quarter in question unreasonably discriminating him with them. Rest of the contents of para under reply are baseless and denied.

4. That the contents of para 6 of the supplementary counter reply are denied and those of para 6 to 28 of the Rejoinder reply are reaffirmed as correct.

5. That with reference to the contents of para 7 of the supplementary counter reply it is stated that the applicants have not concealed anything from this Hon'ble Tribunal and have given true ~~as~~ facts in para 29 of the rejoinder reply and they are again affirmed as correct. The respondents have themselves admitted that the quarter of a cash and pay pool was allotted to

Q.N. Sharma

Plot

Sri S.C. Paul, an employee of press department. So far as the question of transfer of quarter in lieu of allotted quarter is concerned, the deponent also submits that still the Mechanical Department can be required to transfer of one quarter to the cash and pay pool, if it becomes available and is necessary in law. Regarding recovery of penal rent the applicant respectfully submit that in case the quarter in question could have been allotted/regularised in favour of S.C. Paul, no recovery on account of penal rent should have been made from him by the Railway Department and in case alleged recovery was made, the same is wholly illegal. Regarding other case of Km. Manju Nigam the respondents have totally failed to point out as to why the quarter allotted to Sri O.P. Nigam, who was employed as Divisional Cashier under respondent No. 3 and retired from service w.e.f. 31.8.1985 was allotted in the name of his daughter (Kumari Manju Nigam) who was appointed as Staff Nurse in the Railway Central Hospital, Gorakhpur on 2.9.1985, after the retirement of her father specifically when she had not shared accommodation as a Railway Employee even for a day with her retiring father and the alleged condition of sharing accommodation at least for 6 months in view of Board's letter contained in enclosure No. A-13 was not satisfied. The Railway Authorities are not supposed to give stepmotherly treatment to their employees at their whims. The deponent is advised to state that waiving/condoning the condition of sharing accommodation for at least

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6 months with the retiring Railway servants for allotment/regularisation of Railway quarter in the case of other Railway Employees similarly placed and circumstances and imposing the same against the applicants would amount hostile discrimination and an arbitrary act within the meaning of Article 14 and 16 of the Constitution of India and renders the impugned orders/actions of respondents as illegal, void and in-operative. The applicant No.1 is legally entitled for allotment/regularisation of Railway quarter in question in his name and the order passed by the Senior Divisional Mechanical Engineer in this regard is absolutely legal and valid. The applicant No. 2 is entitled for release of his amount of D.C.R.G. together with 12% interest per annum for the period from 1.3.1987 onwards till the said amount is paid to applicant No. 2

Q.N. Sharma

Lucknow:Dated,

Applicant No.2

20.8.1989.

VERIFICATION

I, the above named applicant No.2, do hereby verify that the contents of paras 1 to 5 except bracketed portion of para 5 are

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true to my own knowledge and those of bracketed portion of para 5 of this Supplementary Rejoinder reply are believed by me to be true on the basis of legal advice. Nothing material has been concealed and no part of it is false. So help me God.

Q. N. Sharma

Lucknow:Dated,

Applicant No.2

20.8.1989.

I, identify the applicant named above who has put his signatures in my presence.

R. C. Sharma 20.8.89

(R. C. SHARMA)
ADVOCATE,
COUNSEL FOR APPLICANT.